

Town of Milford
Zoning Board of Adjustment
July 2, 2020
Case 2020-13
Glen & Patricia Wright
Variance

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

Absent: Wade Campbell
Joan Dargie (Alternate) (arrived late)

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.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. Rob Costantino at home alone; Tracy Steel at home alone, Mike Thornton at home alone, Karin Lagro at home alone, Jason Plourde in the Community Development office at Town Hall in a room adjacent to Lincoln Daley's office. J. Plourde asked that K. Lagro be seated as a regular member tonight in the absence of W. Campbell. J. Plourde asked if all members would be in favor of hearing the applications and then review minutes. M. Thornton moved to review the minutes at the end of tonight's meeting. R. Costantino seconded. A poll was taken: M. Thornton yes; R. Costantino yes; K. Lagro yes; T. Steel yes; J. Plourde yes.

Case 2020-13

Glen and Patricia Wright for the property located at Milford Tax Map 49, Lot 2 is seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.04.4.A to permit the construction of a single-family residence on a lot of record with less than the minimum required frontage (200') on a principle route of access on a Class V road or better in the Residential "R" district.

J. Plourde asked for the applicant or representative to proceed with the presentation. P. Wright indicated she and her husband want to build a retirement home on the 15 acre lot and would like to move back to Milford. We do know that it requires a zoning variance and we are here hoping to get the variance approved. J. Plourde understands that this was in front of the ZBA previously and asked for that history. Karl Zahn, 206 Center Road Lyndeborough (Realtor), indicated that he is in his home alone and is representing the seller. When the previous owner bought this property they received a variance; the lot is served by a 50' easement for access; the variance was approved at that

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time and this is pretty much a re-application for something that was previously granted and has expired. J. Plourde thanked Mr. Zahn for that history, noting that under RSA 674:41, prior to the Wright's being able to obtain a Building Permit, a Planning Board review is needed and then Board of Selectman approval is also required prior to a Building Permit being obtained. L. Daley said that process is correct. J. Plourde asked if there were any questions from the Board.

T. Steel remembers this situation from the last time. K. Lagro only had a question about the easement which was answered. J. Plourde also added that a driveway permit was applied for last time and test pits were conducted for state approval of septic. M. Thornton asked if there have been any changes to the site? K. Zahn said there have been no changes and no building has been done; the contract for this purchase was contingent on a suitable test pit. J. Plourde said this is a 15 acre undeveloped parcel with no frontage on a Class V or better road, access will be provided through a dedicated easement. The easement does not qualify as frontage. The lot will be served by septic, the property use would conform to all requirements except frontage. In October 2012, a variance was granted (Case 2012-21) and granted again in February 2014 (Case 2014-02). The approvals expired because no work was done within one year. That rule has since changed to two years from approval. If this Variance is approved, they have two years to conduct the work. M. Thornton asked if the easement they have connects to the roadway, has clearance and would not cause a hazard in any way? J. Plourde responded the easement goes through Map/Lot 49/4-9 through a cul-de-sac. The easement would be designed to have separation between driveways.

L. Daley indicated this Variance is to create one single lot and not for subdivision, that driveway would need to be fully designed for one lot, this is for a single lot property only. J. Plourde stated they would not be able to subdivide this property. J. Dargie commented that is correct. M. Thornton asked should that be a contingency we need to put on the approval? L. Daley said the decision would state that the variance is for a single family lot only. J. Dargie said if they want to subdivide it, they would have to come to the ZBA. J. Plourde said if we vote on this we are either approving or denying a single family lot with no contingencies. L. Daley and J. Dargie agreed. L. Daley stated if the owner finds another access to the lot, they can create another access and then subdivide it. J. Plourde indicated if the applicant were to find other means of access would they have to come back to the town? L. Daley responded they would need to meet with the town. G. Wright stated they have no plans to have any further development on this lot and plan to build a nicely done farm house out there. J. Plourde opened the meeting to the public for questions or comments, noting if anyone wishes to comment or ask a question, to press *9 so that we can unmute you. L. Daley did not see anyone waiting to speak. J. Plourde asked again for any public comments or questions. There were none, therefore J. Plourde indicated the Board would enter deliberations.

Deliberations:

1-R. Costantino said this would not be contrary to public interest, this is just for access to a private lot for one residence; T. Steel agreed; M. Thornton said it would satisfy the density; K. Lagro agreed this is not contrary to the public interest and has minimal impact; J. Dargie agreed; J. Plourde said the easement is already established and conforms to the criteria, he has no issues.

2-T. Steel this could be granted; M. Thornton does not see any changes that are negative from the last application; K. Lagro said it can be granted within the spirit of the ordinance; J. Dargie no comments; J. Plourde noted if a property has a unique character such as this, the only other way to get to it would be by helicopter; R. Costantino this would preserve the rural character of the area.

3-M. Thornton yes it has no negative changes and substantial justice is met; K. Lagro yes, it meets the criteria; R. Costantino yes; T. Steel yes it will be a gain to the public; J. Dargie yes; J. Plourde agreed.

4-K. Lagro yes this is a minimal impact to surrounding properties; J. Dargie this will cause no impact; R. Costantino yes; T. Steel yes; M. Thornton said this will be a positive impact with an improved road with a nice house; J. Plourde agreed, it is zoned for residential and meets the criteria.

5-R. Costantino yes, there is no frontage and this is a hardship and the access easement is sufficient and it is a reasonable use; J. Dargie yes; K. Lagro yes; T. Steel yes; M. Thornton yes it would be a hardship to deny this request; J. Plourde yes.

There were no other comments or questions from the Board, J. Plourde indicated the voting should begin. A poll was taken: R. Costantino yes; M. Thornton yes; K. Lagro yes, T. Steel yes, J. Plourde yes. The motion was in favor of moving into voting.

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Voting:

- 1) Would granting the variance not be contrary to the public interest? R. Costantino yes; T. Steel yes; M. Thornton yes; K. Lagro yes; J. Plourde yes
- 2) Could the variance be granted without violating the spirit of the ordinance? M. Thornton yes; T. Steel yes; R. Costantino yes; K. Lagro yes; J. Plourde yes
- 3) Would granting the variance do substantial justice? T. Steel yes; K. Lagro yes, M. Thornton yes, R. Costantino, yes, J. Plourde yes
- 4) Could the variance be granted without diminishing the value of abutting property? M. Thornton yes; R. Costantino yes, T. Steel yes, K. Lagro yes, J. Plourde yes
- 5) Would denial of the variance result in unnecessary hardship? K. Lagro yes, M. Thornton yes, R. Costantino yes, T. Steel yes, J. Plourde yes

R. Costantino moved to approve ZBA application 2020-13. T. Steel seconded. A poll was taken: M. Thornton yes; R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes. Motion passed unanimously.

J. Plourde announced the application 2020-13 has been granted; noting there is a 30-day appeal period. J. Plourde thanked the applicant's team and summarized that the ZBA wants to go through these applications as thoroughly as it can. The applicants thanked the Board for their time tonight.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

The minutes of 2020-13 dated 7/2/2020 were approved 8/6/2020