

**Town of Milford
Zoning Board of Adjustment
OCTOBER 21, 2021
Public Hearings**

**CASE #2021-16 Gretchen Davidson, VARIANCE
CASE #2021-24 Bryan Entrekin and Deborah Carroll, VARIANCE**

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Michael Thornton, Member
Karin Lagro, Member
Tracey Steele, Member
Paul Dargie, BOS Representative
Lincoln Daley, Director of Community Development

Not Present: Joan Dargie, Alternate
Jane Hesketh, Recording Clerk

Meeting Agenda

1. Call to Order

2. Public Hearing(s):

a. **Case #2021-16** Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is seeking a VARIANCE from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the creation/subdivision of a lot with less than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Residential 'A' Zoning District. (Continued from 9/2/21)

b. **Case #2021-24** Bryan Entrekin and Deborah Carroll for the property located at 79 Amherst Street, Tax Map 26, Lot 54 are seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of the existing two-family residence to a three-family residential dwelling in the Residential 'A' District.

3. Meeting Minutes: 10/7/21

4. Other Business: TBD

5. Next Meeting: a. November 4, 2021 b. November 18, 2021

1 **MINUTES OF THE ZBA MEETING OCTOBER 21, 2021**

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5 **1. CALL TO ORDER**

6
7 Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those attending in person
8 and electronically since this meeting is being conducted in a unique manner.

9
10 He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room with
11 all Covid protocols in place.

12
13 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the
14 Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password
15 previously stated.

16
17 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda)
18 [adjustment/agenda/zba-agenda](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda). We will also be live streaming the meeting on Granite Town Media, Government Channel
19 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

20
21 He then went on to inform everyone about the procedures of the Board.

22
23 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll
24 call attendance by asking each member to state their name (all members were at Town Hall); this is required under the
25 Right-to-Know Law. Roll Call Attendance: M. Thornton present; R. Costantino present; K. Lagro present; T. Steele
26 present; J. Plourde present.

27
28 He then stated there are 5 voting members present and there will need to be 3 yes votes for a case to be approved. There are
29 2 cases, one old and one new, and the previously postponed case is asking for another postponement. He then went over the
30 procedures for the presentation, deliberation and voting.

31
32 He explained the process of the case hearings for the applicant and the public. He said a full agenda may not allow all cases
33 to be heard and that at 10:00 p.m. the meeting will end. He explained how the meeting would proceed for the cases that
34 may not be heard in that they would be continued to the next meeting or another agreed upon meeting. He also explained
35 the notification process for continued cases.

36
37 He moved on to the cases to be heard.

38
39 **2. PUBLIC HEARINGS**

40
41 **a. Case #2021-16** Gretchen Davidson for the property located at 64 Federal Hill Road, Tax Map 48, Lot 43 is seeking a
42 VARIANCE from Milford Zoning Ordinance, Article V, Section 5.02.4 to allow the creation/subdivision of a lot with less
43 than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Residential 'A'
44 Zoning District. (Continued from 9/2/21)

45
46 On October 19, 2021 Lincoln Daley received an email regarding this case. The email was read into the record requesting a
47 continuance to the meeting of November 19, 2021. It was pointed out this date was not on a Thursday; therefore, the motion
48 to approve was amended to November 18, 2021. J. Plourde asked for a motion to continue the case. R. Costantino made a
49 motion to continue case #2021-16 to November 18, 2021 and T. Steele seconded the motion. All board members were in
50 favor. **Case #2021-16** will be continued to November 18, 2021.

51
52 **b. Case #2021-24** Bryan Entrekin and Deborah Carroll for the property located at 79 Amherst Street, Tax Map 26, Lot 54
53 are seeking a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.02 to allow the conversion of the
54 existing two-family residence to a three-family residential dwelling in the Residential 'A' District.

55
56 J. Plourde told the applicant the five criteria needs to be explained. He said the applicant could read from the application or
57 just give an overview.

58
59 Deborah Carroll of 26 West Hollis Rd, Hollis, NH stepped forward to the microphone at Milford Town Hall. She
60 explained the property at 79 Amherst Street is currently a 2 family dwelling they want to convert to a 3 family dwelling.

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5 Nothing will be changed on the exterior of the building and there is plenty of parking which she showed on the map
6 display. She also explained the barn is the building that will be converted to 2 units, and there is garage parking under the
7 barn. She pointed out the abutting properties are all multi-family dwellings.

8
9 Lincoln Daley explained this property has evolved over time from the original single family dwelling.

10
11 J. Plourde stated the board has an idea of what the applicant wants to do for a conversion as well as an understanding of the
12 history of the dwelling. He did state a previous variance was approved to convert this single family dwelling to a two
13 family in a single family zoning district. He then asked the applicant to go over the 5 criteria.

14
15 Deborah Carroll then presented the criteria:

16
17 **1. This will not be contrary to the public interest.**

18 The changes will be in line with what is already in the neighborhood. In addition, there are sprinklers throughout
19 the dwelling which addresses safety.

20
21 **2. The spirit of the Ordinance is observed by creating affordable housing in keeping with the area.**

22 Density will not be changed and it is being kept close to the current use with the same number of bedrooms.

23
24 **3. Substantial Justice is done**

25 The building conversion will bring this dwelling in line with other buildings in the area.

26
27 **4. The Values of Surrounding Properties will not be diminished.**

28 No changes are being made to the exterior and there will be ample parking.

29
30 J. Plourde asked to confirm the entrance and exits for each unit. D. Carroll stated each unit will have its own
31 entrances/exits with 2 per unit.

32
33 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

34 The request was made in 2015 to go from a 1 family to a 2 family and this variance was approved. This is to seek a
35 3rd unit which will be in line with existing structures in the area.

36
37 M. Thornton pointed out there could be a slight change in density but the fact bedrooms will be the same, this
38 change will be minimal.

39
40 Discussion started in regards to the parking. There will be 9 spaces available. Each unit requires a minimum of 2
41 spaces. Therefore, based on state parking requirements, it meets the minimum. There could be a change in the
42 density because of an increased number of drivers (vehicles) with a 3rd unit.

43
44 M. Thornton pointed out 9 bedrooms could be 9 possible vehicles. The dwelling will continue to have 9 bedrooms;
45 therefore, the potential for increased density is small.

46
47 J. Plourde read the zoning ordinance for this area that addresses the issue of density, and pointed out there is no
48 mention of multi-family units.

49
50 J. Plourde asked how many bedrooms will be in each unit. Unit 1 will have 5; unit 2 and 3 will have two bedrooms
51 each and unit 3 will also have a den. He pointed out the primary change for the parking will be the barn area. It
52 was stated there really is no way of knowing exactly how many vehicles there will be, therefore, unable to
53 determine the increase in density.

54
55 R. Costantino pointed out the dwelling satisfies the parking requirement for the state. Intent of the ordinance is to
56 have low density impact however; it also has to do with not only the zoning for the district but the neighborhood
57 itself. The neighborhood has a mix of single family and multi-family units with more single family homes than
58 multi-family.

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5 By adding another unit to this dwelling will not add another dwelling to the area; the building is not changing, the
6 bedrooms are not changing. It was pointed out if the unit was brought back to a single family there could possibly
7 be 18 people living in the dwelling. L. Daley stated there is no way to predict the number of vehicles.

8
9 Further discussion continued regarding density; the number of people that will be in the dwelling. The intent of the
10 zoning district is to minimize density; will this violate the ordinance.

11
12 Discussion then went on about hardship. It was again stated it was felt there will be minimal impact to the density.

13
14 It was then asked, which could solve the issues, if there were any abutters that have issue with this case. L. Daley
15 said he has not heard from anyone. It was pointed out the abutters are multi-family dwellings.

16
17 Paul Dargie stepped forward to give his impression on the issue of density. He stated there will probably be a
18 slight increase in density. He also said going from 2 to 3 units does not change the neighborhood, the zoning, or
19 the characteristics. The hardship involves economics and the changes are minor and should not affect the town.
20 He stated from his perspective the change will be fine.

21
22 M. Thornton pointed out the housing shortage in Milford. Changes to this dwelling will help with that problem.

23
24 J. Plourde stated this is not something the Zoning Board should take into consideration when making a decision.

25
26 T. Steele brought up the point again about complaints or concerns from the abutters. L. Daley again confirmed he
27 has not heard anything and there were no abutters present.

28
29 J. Plourde asked the board if there were any further questions they need to address to the applicant, L. Daley and P.
30 Dargie.

31
32 The Chair stated he is closing this portion of the meeting, and he recognized there was no one present or on zoom
33 from the public. Therefore, he proceeded to deliberations.

34
35 **Deliberations:**

36
37 **1. This will not be contrary to the public interest.**

38 T. Steele: it wouldn't be contrary because there are already a potential number of tenants and the number of
39 bedrooms will not change; the number of vehicles will probably be slight.

40 K. Lagro: has nothing to add

41 R. Costantino: agrees with T. Steele and will not change the characteristics of the neighborhood

42 M. Thornton: agrees with everything said; if this were making a change to the exterior of the building by adding
43 more bedrooms then it would change the character and he feels this is not something that will happen.

44 J. Plourde: he is in agreement with everything said.

45
46 **2. The spirit of the Ordinance is observed by creating affordable housing in keeping with the area.**

47 K. Lagro: yes

48 R. Costantino: agrees

49 M. Thornton: he does not see a negative

50 T. Steele: agrees with everything said

51 J. Plourde: stated he is looking at the ordinance in regards to the density and he does not see it will make a
52 noticeable change.

53
54 **3. Substantial Justice is done.**

55 R. Costantino: there would be no gain to the public if it were denied but would in fact, make it better

56 M. Thornton: there is no gain to the public if it is denied

57 T. Steele: agrees

58 K. Lagro: agrees

59 J. Plourde: may be a slight increase to the vehicles but there is substantial parking; no gain to the public if
60 application is denied.

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5 **4. The Values of Surrounding Properties will not be diminished.**

6 M. Thornton: the closest properties are 4 multi-family dwellings as well as single family homes interspersed; he
7 does not see the change will devalue the properties especially since the exterior will not change. If the exterior
8 were to change, therefore changing the look of the neighborhood, this would then require a different opinion.

9 T. Steele: some of the single families could be rentals, which goes along with the multi-family rentals

10 J. Plourde: the issue is not rental vs non-rental

11 K. Lagro: has nothing more to add

12
13 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

14 R. Costantino: first you need to determine the intent of the ordinance and compare it to what the applicant is
15 requesting; he feels this change will not impact the neighborhood character and he feels this is what the ordinance
16 is designed for (to not impact the character of the neighborhood); feels the proposed use is reasonable; it does not
17 impact density or safety which follows the intent of the ordinance; he feels this project satisfies both parts 1 and 2
18 of #5 criteria.

19 M. Thornton: character of the property is that it is a very large building; hardship in his opinion is because the
20 building is bigger therefore, making it difficult to use as a single family in today's society of smaller families.

21 T. Steele: agrees with what has been said

22 K. Lagro: agrees with part 1 but not with part 2

23 J. Plourde: for clarification, for criteria 5 both parts 1 and 2 need to be satisfied

24
25 Discussions continued among the board members about this criteria, what needs to be satisfied and the ordinance
26 in regards to the multi-family dwellings especially since this zone has seen a slow progression of single family
27 residences being changed to 2 family residences. Now, these 2 families have slowly progressed to 3 families.

28
29 J. Plourde: pointed out this application is specific to changing from a 2 family to a 3 family

30
31 There was discussion about multi-family dwellings and how many family units are allowed.

32
33 J. Plourde said he has been doing research on hardship. Purpose of ordinance is to not affect density. This
34 application is not to change the dwelling to a 2 family from a 1 family, but a 2 family to a 3 family. Therefore,
35 will this request result in a significant increase in the density? He pointed out; again, the fact there will be no
36 increase in the bedrooms but simply how the bedrooms will be divided into 3 units instead of 2 units.

37
38 Further discussion ensued about the potential increase to density. Also, brought up, is the fact that the owner could
39 be denied reasonable use of the property if this were denied.

40
41 J. Plourde stated he feels the issues have been discussed thoroughly and the meeting should move into voting.
42 Everyone was in agreement.

43
44
45 **Voting:**

46
47 **1. This will not be contrary to the public interest.**

48 R. Costantino yes; T. Steele yes; K. Lagro yes; M. Thornton yes; Chair votes yes.

49
50 **2. The spirit of the Ordinance is observed by creating affordable housing in keeping with the area.**

51 T. Steele yes; K. Lagro yes; M. Thornton yes; R. Costantino yes; Chair votes yes.

52
53 **3. Substantial Justice is done.**

54 K. Lagro yes; M. Thornton yes; R. Costantino yes; T. Steele yes; Chair votes yes.

55
56 **4. The Values of Surrounding Properties will not be diminished.**

57 M. Thornton yes; R. Costantino yes; K. Lagro yes; T. Steele yes; Chair votes yes.

58
59 **5. Literal Enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

60 R. Costantino yes; M. Thornton yes; T. Steele yes; K. Lagro no; Chair votes yes.

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5 Chair Plourde asked if there is a motion to approve **Case #2021-24** Bryan Entrekin and Deborah Carroll for the property
6 located at 79 Amherst Street, Tax Map 26, Lot 54 are seeking a VARIANCE from the Milford Zoning Ordinance, Article
7 V, Section 5.02 to allow the conversion of the existing two-family residence to a three-family residential dwelling in the
8 Residential 'A' District.

9
10 R. Costantino made a motion to approve **Case #2021-24** and T. Steele seconded the motion.

11
12 J. Plourde: A motion has been made to approve **Case #2021-24**. Those in favor: R. Costantino yes; T. Steele yes; K. Lagro
13 no; M. Thornton yes; chair votes yes.

14
15 Chair Plourde stated the criteria for the Variance request had been satisfied by a 4 to 1 vote and the application approved.
16 There is a 30 day appeal period that can be filed with the Zoning Board.

17
18
19
20 **3. MEETING MINUTES**

21
22 No minutes to review.

23
24
25
26 **4. OTHER BUSINESS**

27
28 L. Daley said there will be a joint meeting with the Planning Board.

29
30 K. Lagro asked if applicants are given guidance when filling out applications. L. Daley stated if the applicant needs help, he
31 will give them assistance. Discussion about this subject continued.

32
33
34
35
36 **Motion to Adjourn**

37
38 Chair Plourde asked if there was anything else. M. Thornton made a motion to adjourn and R. Costantino seconded. All
39 Board Members were in agreement. Meeting adjourned.

40
41
42
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45
46 **Motion to Approve:** _____

47
48 **Seconded:** _____

49
50 **Signed** _____

51
52 **Date:** _____

53
54
55
56
57 **THE MINUTES OF CASE 2021-24 WERE APPROVED** _____