

**Town of Milford  
Zoning Board of Adjustment  
JULY 1, 2021  
Public Hearings**

**Case 2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee, Special Exception  
CASE #2021-13 Colleen Johnson Special Exception  
CASE #2021-14 John and Penny Webster, Special Exception**

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

**Not Present:** Tracy Steel, Member  
J. Dargie, Alternate  
J. Hesketh, Recording Clerk

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**Meeting Agenda**

1. Call to Order
2. Public Hearing(s):
  - a. **Case #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee**, for the property located at 4 Fernwood Drive, Tax Map 48, Lot 55 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Section 5.04.2.7 to allow the construction of a 24' x 28' accessory structure (detached garage) within the 30 foot and 15 foot side dimensional setbacks in the Residential 'R' Zoning District. (Request to continue to 7/15/21)
  - b. **Case #2021-13 Colleen Johnson** for the property located 103 Webster Street, Tax Map 35, Lot 6-1 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2 and 5.02.5.B to allow the construction of a single family residence and accessory structure (pool) within the 15 foot side and 30 foot dimensional setbacks in the Residential 'A' Zoning District.
  - c. **Case #2021-14 John and Penny Webster** for the property located 172 Federal Hill Road, Tax Map 53, Lot 16 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.04.7.C to allow the construction of two 90 foot tall amateur radio station antenna structures (with antennas) in the rear portion of the single family residential property where a 35 foot maximum height is permitted in the Residential 'R' Zoning District.
3. Meeting Minutes: 5/20/21, 6/17/21
4. Other Business: TBD
5. Next Meeting: a. July 15, 2021 b. August 5, 2021

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**1. CALL TO ORDER**

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

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

## MINUTES OF THE ZBA MEETING JULY 1, 2021

1  
2 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the  
3 Meeting ID: 851 6407 7601 and Password: 269952 or log in via [www.zoom.com](http://www.zoom.com) using the Meeting ID and Password  
4 previously stated.

5  
6 A digital copy of the meeting materials can be found on the Town website at: <https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda-01july2021>. We will also be live streaming the meeting on Granite Town Media,  
7 Government Channel 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>  
8  
9

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

11  
12 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll  
13 call attendance by asking each member to state their name, where they are located (for those attending remotely) and if  
14 there was anyone in the room with them. This is required under the Right-to-Know Law. Roll Call Attendance: Jason  
15 Plourde present; K. Lagro present; M. Thornton present; R. Costantino present.

16  
17 Chair Plourde stated there are 3 cases this evening and then went on to present the first case.

### 18 19 20 **a. CASE #2021-10 Duane S. Myers Revocable Trust, Duane S. Myers Trustee**

21  
22 For the property located at 4 Fernwood Drive, Tax Map 48, Lot 55 is seeking a Special Exception from the Milford Zoning  
23 Ordinance, Article V, Section 5.04.2.7 to allow the construction of a 24' x 28' accessory structure (detached garage) within  
24 the 30 foot and 15 foot side dimensional setbacks in the Residential 'R' Zoning District. (Request to continue to 7/1/21)  
25

26 For the record, Lincoln Daley read an email from Duane Myers to Lincoln Daley dated June 25, 2021 stating a request for a  
27 postponement until the July 15, 2021 meeting. Chair asked for a motion to continue this case. R. Costantino presented a  
28 motion to continue case #2021-10 to July 15, 2021 and M. Thornton seconded the motion.  
29

30 Chair stated that since this application has been continued 3 times from the original application, he asked the board if this  
31 case should be re-advertised to the town and the abutters.

32  
33 M. Thornton: Is there a benefit to the public for doing this? It will be an additional cost to the applicant.

34 L. Daley: There will be an additional cost, but feels if the location changes due to the research being done for the septic,  
35 then re-advertising will be necessary.  
36

37 J. Plourde: Give the applicant to July 15, 2021 and if he is still not ready, then have the applicant re-apply.

38 L. Daley: If the application changes substantially, then the applicant will need to re-apply.

39 M. Thornton: What will constitute a substantial change?

40 L. Daley: A relocation of the accessory structure from one area of the property to another area on the property.  
41

42 R. Costantino: Added to his original motion that notification of the changes will be required prior to the July 15, 2021  
43 meeting and M. Thornton seconded the addition to the motion. J. Plourde asked for a vote on this motion: K. Lagro yes; M.  
44 Thornton yes; R. Costantino yes; J. Plourde yes.  
45

46 **Case #2021-10** will be postponed to July 15, 2021 with a requirement that the board be notified prior to this meeting of any  
47 changes to the original application.  
48

49 Chair Plourde moved on to the next case.  
50  
51

### 52 **b. CASE #2021-13 Colleen Johnson**

53 For the property located 103 Webster Street, Tax Map 35, Lot 6-1 is seeking a Special Exception from the Milford Zoning  
54 Ordinance, Article V, Sections 5.02.2 and 5.02.5.B to allow the construction of a single family residence and accessory  
55 structure (pool) within the 15 foot side and 30 foot dimensional setbacks in the Residential 'A' Zoning District.  
56

57 Chair Plourde turned the meeting over to the presenter.  
58

## MINUTES OF THE ZBA MEETING JULY 1, 2021

1 Mark Fougere from Fougere Planning and Development representing the applicant Colleen Johnson. Also present is the  
2 owner of the proposed new structure.  
3

4 We are asking for a relief from the setback requirements. This is a very old lot created prior to the current ordinances and  
5 building on this lot within the current setback requirements would be very challenging.  
6

7 J. Plourde asked if they would like to proceed with only 4 members present; M. Fougere stated yes.  
8

9 M. Fougere: the plan is to use the level area of the lot on the south side for building the single family structure since there is  
10 a steep slope on the north side; district setbacks are 30 ft. front and 15 ft. side and rear; asking for relief on the front setback  
11 to 10-15 ft. as shown in the diagram and 10 ft. in the rear as well as 12-14 ft. on the south side to accommodate a pool. He  
12 feels the request for a Special Exception is reasonable given where the lot is located; many homes in the neighborhood do  
13 not meet ZBA requirements. He then stated the property is not out of character with the neighborhood or the other  
14 structures on the street. The abutting home is approximately 158 ft. from the north side of the proposed single family  
15 structure. Reasonable use of the property will be made by moving it closer to the street because of the steep grade on the  
16 north side. The Commercial Property is to the west which will have minimal impact on the proposed property. The size of  
17 this lot is similar in size to other lots in the neighborhood. He then gave examples of the addresses in the neighborhood  
18 with the smaller lot sizes that pre-date ZBA ordinances. The proposed use is a single family home in a single family home  
19 neighborhood and feels the structure will fit in with the surrounding structures. The lot was created at that time for a single  
20 family residence so it is in an appropriate location. He explained the adjoining properties to state he felt there would be no  
21 impact to them. He also stated the proposed property would not create any hazards. He went on to say water and sewer are  
22 available to the property so there would be no need for a septic system.  
23

24 M. Fougere: Staff Report of June 10, 2021 recommends a Storm Water Management Plan, a Survey of the property and  
25 Structural Foundation Survey be a requirement; the applicant has agreed to these recommendations. Sanborne Engineering  
26 has been hired by the owner to complete these requirements. The property is old, but there are 3 pins on the property  
27 (corner front north side, rear and south side) outlining the property boundaries with only one pin missing.  
28

29 M. Fougere: The alternatives to a single family home are limited.  
30

31 J. Plourde: Stated he has gone by the location and feels neighborhood is appropriate, but his biggest concern is the size of  
32 the house and the location of the swimming pool; is there really a need to encroach into all the setbacks or is there a way to  
33 minimize that? Specifically, what are the alternatives that were looked at?  
34

35 M. Fougere: Stated the proposed home owner is present. He also stated that if you have seen the property, the steep grades  
36 make it a challenging lot to build on. He also explained there are many homes in the area that have been built on this type  
37 of lot and while it may have been difficult, it was possible. He agreed the pool is encroaching a bit on the left side which is  
38 a 20 ft. wide lot owned by the Town of Milford that he feels is not impacting anybody. By moving the home further to the  
39 north side the grades get steeper. The home is for the owner's retirement and is low key. In looking at the neighborhood,  
40 many of the homes are close to the street and the proposed home will not be out of character.  
41

42 J. Plourde: he asked about the turn-around area at the end Webster Street  
43

44 M. Fougere: the Town of Milford put that area in and there is no easement in the file relative to that and his staff has spoken  
45 to the DPW; if they need to they can go into the Town owned property to make a turn-around.  
46

47 J. Plourde: he pointed out on the picture of the lot and asked if the piece he was talking about was his client's property and  
48 not the Town of Milford's?  
49

50 M. Fougere: yes, that is correct. There is nothing on file regarding an easement or encumbrance.  
51

52 J. Plourde: He confirmed with M. Fougere that a survey had not yet been done. He went on to say that if a decision is made  
53 based on the existing drawings but the numbers change from the survey, then the Board's decision might have to change.  
54

55 M. Fougere: He reiterated that the lot pins are in place in 3 areas and because of this is confident of the lot lines. They also  
56 have the deed which describes the area. He stated the back area was recently surveyed by the Commercial Property  
57 adjoining the proposed lot.  
58

## MINUTES OF THE ZBA MEETING JULY 1, 2021

- 1 J. Plourde: OK, as long as you understand our position  
2
- 3 R. Costantino: he asked about the grade; is there about a 10 ft. elevation difference between the part of the house near the  
4 road and the back part?  
5
- 6 M. Fougere: yes  
7
- 8 Eric Ferris stepped forward as the proposed new owner of the property. He explained about the foundation to be built and  
9 the need to accommodate for the grade. He stated he will be working with Sanborne Engineering. They want to keep the  
10 foundation as much to grade as possible. He also explained the position of the home has been analyzed extensively to  
11 minimize impact to the lot and setbacks; it is a 2 bedroom home, the garage will be under and it is a one floor structure. It is  
12 a home for their retirement.  
13
- 14 R. Costantino: has a concern about being only 10 ft. from the road and on a dead end road; he discussed the need for a turn-  
15 around especially for snow plows. He also said none of the other homes are that close to the road.  
16
- 17 M. Fougere: He stated it is private on the road and this should not impact parking on the street; it is only accessed by the  
18 home owners but there really will not be any other traffic; the home will be attractive; it will not be tall and not overshadow  
19 other homes.  
20
- 21 M. Thornton: To M. Fougere, is your client comfortable with people parking 10 ft. from his front door?  
22
- 23 E. Ferris: The front door is actually 18 ft. from the road; only a corner of the house will be 10 ft. from the road.  
24
- 25 J. Plourde: This area is the end of the road with no trail head so the parking will only be for the homes in the neighborhood;  
26 because of the location of the property he is not concerned about the 10 ft. as long as Mr. Ferris is ok with it  
27
- 28 M. Thornton: looking ahead, will there be an issue of a neighbor parking so close to the proposed new home?  
29
- 30 J. Plourde: on street parking in this area is allowed  
31
- 32 M. Thornton: asked about driveway location;  
33 M. Fougere: driveway will be at end of road and will go down under the home;  
34 M. Thornton: the foundation will be dug in;  
35 M. Fougere: yes it will be;  
36 M. Thornton: size of garage;  
37 M. Fougere: 2 car garage;  
38 M. Thornton: including the garage, approximately how many off street parking spaces?;  
39 M. Fougere: about 8 spaces which includes the garage spaces;  
40 M. Thornton: what if the pool cracks and water gets out?  
41 M. Fougere: it will be more of a splash pool but water would go towards the back;  
42 M. Thornton: that's all I have.  
43
- 44 J. Plourde: how tall to the peak of the house?  
45
- 46 M. Fougere: 20 ft.  
47
- 48 R. Costantino: In regard to the 15 ft. side setback, Ordinance 5.02.5b states there should be 30 ft. if it borders a street, lane  
49 or public way, therefore, does the Town property constitute a right of way?  
50
- 51 L. Daley: It is not a public way as defined by this ordinance and it is not a corner lot.  
52 He does not consider this a setback as described by the ordinance cited by R. Costantino.  
53
- 54 L. Daley: To M. Fougere he asked if he could point out on the photograph exactly where the property will be situated to  
55 help present a visual for the ZBA.  
56
- 57 M. Fougere: He explained how he measured from the bounds that were known as to how the home should be situated.  
58

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1 L. Daley: He went on to explain that the survey may change the actual final diagrams.  
2  
3 L. Daley: Will there be any decking for the pool?  
4  
5 E. Ferris: showed there will be pavers next to the back door of the home; purpose is to keep the home low maintenance and  
6 as simple as possible.  
7  
8 L. Daley: It was stated before that the owner would work with the adjoining property owner to allow for more grading and  
9 to make it easier to slope. Is there a need for an easement to do that?  
10  
11 E. Ferris: stated the adjoining owner had agreed to this and is willing to sign something to this affect.  
12  
13 L. Daley: An easement should be required in order to alleviate any future problems.  
14  
15 E. Ferris: Agrees  
16  
17 L. Daley: This will be done through the survey; just want to make the applicant aware.  
18  
19 J. Plourde: Talking about the survey, the easement, and the storm water management, do not need to be made conditions  
20 since they have been proposed and accepted by the applicant?  
21  
22 L. Daley: That is correct and they will be addressed through the building process, but just want to make the board aware.  
23  
24 J. Plourde: OK, thank you.  
25  
26 L. Daley: Will a retaining wall be required?  
27  
28 E. Ferris: This has been addressed with part of the foundation build and will be looked at further.  
29  
30 L. Daley: He spoke with DPW about the extension/turn-around area. This should not be a problem; it is on the applicant's  
31 property. We will work with the applicant and DPW about this turn-around going forward.  
32  
33 J. Plourde: any more questions before opening to the public; the board had no further questions and it was opened to the  
34 public.  
35  
36 Laurie Rush calling in at 97 Webster St. adjacent to the proposed property. It was mentioned at the beginning of the  
37 meeting that the neighbors were approached, but she does not recall having been approached.  
38 M. Fougere: he meant they had spoken to the property in the rear and apologized for any misunderstanding. We were  
39 referring to the slope and the property line in the back. There is plenty of space on the side of the property line L. Rush is  
40 referring to.  
41  
42 J. Plourde: that was my understanding as well; to L. Rush do you have any other questions or statements?  
43  
44 L. Rush: it does look like they are not coming in past the 15 ft. on my side; I just want to understand what will happen to  
45 my side during the building process.  
46  
47 M. Fougere: The building will be on the southern part of the property line which is well away from 97 Webster St. We are  
48 aware of your property line (the stone wall) and there is an iron pin that will be flagged so there will be no disturbance to  
49 your site.  
50  
51 J. Plourde: will there be any blasting?  
52  
53 M. Fougere: No, none at all.  
54  
55 J. Plourde: to L. Rush, did that answer your question?  
56  
57 L. Rush: yes, perfectly; everything looks good and I am happy with it and all set.  
58

**MINUTES OF THE ZBA MEETING JULY 1, 2021**

1 J. Plourde: any further questions or anyone calling in; hearing none and seeing none, we will close the public comment  
2 portion of the hearing and be moving into deliberations unless the applicant has anything else to add.

3  
4 M. Fougere: nothing else, Mr. Chair. Thank you.

5  
6 J. Plourde then moved onto deliberations.

7  
8 **Deliberations:**

9  
10 J. Plourde stated deliberations will be for the 5 Special Exception criteria under 10.2.1 for the house front and rear setbacks,  
11 and the side setback for the pool.

12  
13 **a. Criteria: proposed use is similar to those permitted in the district**

14 R. Costantino: a single family home with a pool is allowed in the area

15 M. Thornton: grade is similar

16 K. Lagro: similar to other single family homes

17  
18 **b. Criteria: specific site is in an appropriate location for the proposed use**

19 K. Lagro: was already laid out as a house lot

20 M. Thornton: it is a pre-existing lot

21 R. Costantino: being at the end of the road, the 10 ft. front setback is a concern but the owner is in agreement with  
22 that setback; it is not ideal but acceptable

23 J. Plourde: the front door is actually 18 ft. setback

24  
25 **c. Criteria: the use as developed will not adversely affect the adjacent area**

26 M. Thornton: difficult to see a negative impact on the neighborhood; vegetative concealment

27 R. Costantino: rear setback poses no problem; there is a proper setback on the side next to 97 Webster St

28 K. Lagro: house is at the end of the street with Town property adjacent; therefore, no adverse effect

29 J. Plourde: I agree

30  
31 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

32 R. Costantino: there is no nuisance or serious hazard; at the end of the street with other similar homes

33 K. Lagro: agrees with R. Costantino

34 M. Thornton: concerned about snow removal; in the future this could become a nuisance

35 R. Costantino stated L. Daley said DPW feels comfortable with the turnaround area

36 J. Plourde asked Mr. Daley to confirm

37 L. Daley: without an easement the Town cannot put snow on someone's property.

38 M. Thornton: how will the trucks turn around without damaging property?

39 R. Costantino: there is a 25 ft right of way

40 L. Daley: the Town could extend the turnaround area for the DPW

41  
42 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

43 K. Lagro: town utilities available and a single family home

44 M. Thornton: feels there will be difficulties maintaining the home on the downward side, but the applicant has  
45 acknowledged and accepted that

46 R. Costantino: agrees with M. Thornton but this will be handled under Town Permits

47 J. Plourde: also agrees with M. Thornton and R. Costantino

48  
49  
50 **Voting Case #2021-13 Special Exception**

51  
52 Is the Special Exception allowed by the Ordinance? R. Costantino: yes; K. Lagro yes; M. Thornton yes; the chair votes yes.

53  
54 Are all the specified conditions present under which the Special Exception may be granted? K. Lagro yes; M. Thornton yes;  
55 R. Costantino yes; the chair votes yes.

56  
57 The ZBA voted on the Special Exception 10.2.1.

58 a. M. Thornton yes; R. Costantino yes; K. Lagro yes; the chair votes yes.

59 b. R. Costantino yes; K. Lagro yes; M. Thornton yes; the chair votes yes.

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- 1 c. K. Lagro yes; M. Thornton yes; R. Costantino yes; the chair votes yes.
- 2 d. M. Thornton yes; R. Costantino yes; K. Lagro yes; the chair votes yes.
- 3 e. R. Costantino yes; K. Lagro yes; M. Thornton yes; the chair votes yes.

4  
5 Chair Plourde asked if there is a motion to approve **Case #2021-13 Colleen Johnson** for the property located 103 Webster  
6 Street, Tax Map 35, Lot 6-1 is seeking a Special Exception from the Milford Zoning Ordinance, Article V, Sections 5.02.2  
7 and 5.02.5.B to allow the construction of a single family residence and accessory structure (pool) within the 15 foot side  
8 and 30 foot dimensional setbacks in the Residential 'A' Zoning District.

9  
10 J. Plourde reminded the board the vote is for the application as presented with the boundaries shown on the diagram and not  
11 on any changes that may happen as a result of a survey or other changes such as moving further into the setback.  
12 M. Thornton: the applicant made an assurance there would be no further encroachment than what is in the application.

13  
14 J. Plourde: the survey may come back with different figures, and if that should happen, the applicant would have to re-  
15 apply to the ZBA

16 J. Plourde is there a motion to approve?

17  
18 R. Costantino made a motion to approve **Case #2021-13** and K. Lagro seconded.

19 J. Plourde: A motion has been made to approve **Case #2021-13**. Those in favor: R. Costantino yes; K. Lagro yes;  
20 M. Thornton yes; chair votes yes.

21  
22 Chair Plourde stated the criteria for the special exception request had been satisfied and application approved. There is a 30  
23 day appeal process that can be filed with the Zoning Board.

24  
25 M. Thornton then asked the chair to wait before moving onto the next case because he is a Licensed Ham Radio Operator.  
26 He asked if a recusal is required and/or his objectivity admissible?

27 J. Plourde stated that in past cases M. Thornton's opinion has been necessary and helpful. He then asked M. Thornton if he  
28 felt his questions or opinions will be biased because of his licensing.

29 M. Thornton: he stated his familiarity with this type of use may lead to more in-depth questioning, but did not want that to  
30 be portrayed as being more judgmental

31 R. Costantino then asked if there would be any financial gain for M. Thornton with this and, if not, then there should be no  
32 conflict of interest

33 M. Thornton stated he does not see a direct conflict of interest in regards to financial gain

34 J. Plourde stated he feels comfortable with this and will leave it up to M. Thornton

35 M. Thornton said he is only bringing it up to inform the board

36 J. Plourde asked K. Lagro if she was in acceptance and she stated yes.

37 M. Thornton asked if the applicant was comfortable with it and the applicant stated yes.

38  
39 Chair Plourde then moved onto the next case.

40  
41  
42 **c. CASE #2021-14 John and Penny Webster**

43 For the property located 172 Federal Hill Road, Tax Map 53, Lot 16 is seeking a Special Exception from the Milford  
44 Zoning Ordinance, Article V, Sections 5.04.7.C to allow the construction of two 90 foot tall amateur radio station antenna  
45 structures (with antennas) in the rear portion of the single family residential property where a 35 foot maximum height is  
46 permitted in the Residential 'R' Zoning District.

47  
48 Chair Plourde stated there is a 4 member board which means if there is a split decision, the case is denied. He asked the  
49 applicants if they wished to move forward. The applicant asked if after the presentation, a 5<sup>th</sup> board member could  
50 subsequently review the case for voting purposes if there was a split decision.

51  
52 Chair Plourde asked L. Daley if the ZBA rules would allow this. L. Daley stated this would not be possible because all  
53 members have to be present at the meeting the presentation is made.

54  
55 M. Thornton then asked if it would be better to continue the case. L. Daley stated if the case presentation is started at this  
56 meeting, then another member still could not be present at the next meeting for voting purposes.

57  
58 Chair Plourde emphasized 3 votes would be required to pass. The applicant agreed to proceed after numerous options were  
59 given by the board and L. Daley.

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1  
2 John Webster then stepped forward to make a power point presentation.

3  
4 He stated he and his wife have lived at 172 Federal Hill Road for 4 years. He has been a Ham Radio Operator since 1963.  
5 He has been continually licensed since then.

6  
7 The towers he is proposing are in the rear northeast corner of his property. He pointed this out with an aerial view of his  
8 property. It is a 2.5 acre lot that grades gradually up hill to the east and the towers will be situated more at the northeast  
9 corner. He is trying to conceal the towers as much as possible. The towers will be 60 ft. apart and about 400 ft. away from  
10 the street. He pointed out a front row of trees. He gave a brief summary of the history of the house and wants to maintain  
11 the integrity of the home. Because of this, he has tried very hard to conceal the towers. Towers will be held up by 3 guard  
12 wires that are 80 ft. from the tower. There will be some trees that need to be removed but he is not clearing the area. He  
13 showed a street view of where the towers would be placed in relation to the trees which will conceal.

14  
15 M. Thornton asked about seasonal changes and if J. Webster had a picture of how the concealment would be without  
16 evergreen trees. He also asked if the screening effect of the trees will not be decreased by J. Webster's required logging.  
17 J. Webster that is correct.

18  
19 J. Webster went on to say he has had towers in the past. He then described the building process and emphasized they are  
20 not permanent structures.

21  
22 R. Costantino asked why there is a need for 2 and not just 1.

23  
24 J. Webster explained the use of frequency bands and how he would set-up each tower to run different frequency bands.

25  
26 M. Thornton explained there are a limited number of frequencies that a tower can handle.

27  
28 R. Costantino asked about the possibility of locating the towers closer to the Federal Hill tower.

29  
30 J. Webster stated it would not be possible.

31  
32 M. Thornton explained the reception would be impacted by doing this.

33  
34 K. Lagro asked about what the view would be like from the abutter's property

35  
36 J. Webster stated it would be concealed. There will be buffer zone around the area where the towers and guide wires will  
37 be.

38  
39 L. Daley for clarification, is the 90 ft. all inclusive, with no additional parts needed?

40  
41 J. Webster stated yes, exactly 90 ft.

42  
43 Fred Hopengarten, Esq. made a presentation of the various laws pertaining to the rights of Ham Radio Operators and tower  
44 construction.

45  
46 J. Plourde stated/asked F. Hopengarten, then the ZBA cannot deny the use based on the proposed use.

47  
48 F. Hopengarten on the basis of RSA 674:16; he then went on to present the various statutes for Ham Radio Operators and  
49 the guiding factors for a special exception under 5.04.7.c all of which were included with the application. He also explained  
50 the location area. He said the width of the towers is 1.25 inches with black guide wires that will make them almost  
51 invisible. He showed the guide wires on an aerial map. The towers he pointed out will be surrounded by trees. He also  
52 showed that there is no abutter to the east; also showed how abutters will be far away from the towers. He ensured there  
53 would be no commercial use.

54  
55 L. Daley asked how the clearing would be made.

56  
57 J. Webster explained how much would be cleared and where.  
58

## MINUTES OF THE ZBA MEETING JULY 1, 2021

1 F. Hopengarten presented pictures he had taken recently to show the information about the trees (exhibit A).  
2  
3 M. Thornton asked if there are any trees, in regards to conservation that should be considered.  
4  
5 R. Costantino stated property owners can remove whatever trees they want to.  
6  
7 K. Lagro it would only be a conservation issue if it involved wetlands  
8  
9 F. Hopengarten presented another photo; this one is of J. Webster next to his house (exhibit B).  
10 He stated the towers are the same size from the bottom to the top.  
11  
12 J. Plourde stated he did have a number of questions with his biggest concern being the height and visibility of the towers,  
13 but many of his questions were being addressed with the detailed presentation.  
14  
15 F. Hopengarten stated the criteria about similar uses. He pointed out addresses that currently have these types of towers.  
16 One at 245 Coburn Rd. is the same manufacturer as the tower J. Webster is proposing.  
17  
18 J. Plourde: how tall are the towers at the addresses brought up?  
19  
20 F. Hopengarten: Coburn Rd. is 100 ft.  
21  
22 Discussion continued about the concealment the trees would provide. F. Hopengarten went on to show with pictures the  
23 various perspectives from different angles. Board members felt the concealment from the different angles would be good.  
24 He then presented winter views. F. Hopengarten continued to present his power point about the towers, the location, the  
25 building construction, abutters/property lines which is are a substantial distance and within the setbacks, the guy line  
26 locations also within the setbacks. He discussed safety.  
27  
28 F. Hopengarten went over the guidelines for zoning of a Ham Radio Operator tower that is not for commercial use.  
29  
30 F. Hopengarten: the towers will be 350 ft. from the house and 420 ft. from public way and no rear neighbor  
31 Property in the rear is commercially owned and does not actually have an address.  
32 He continued to present pictures of the property to show the location of where the towers would be.  
33  
34 In regards to the long term use of the property, it will be protected by the trees.  
35  
36 J. Plourde asked the board if there were any questions. R. Costantino no; K. Lagro no; M. Thornton is the applicant willing  
37 to be a participant in the Milford Emergency Response Community?  
38  
39 J. Webster stated he would be.  
40  
41 F. Hopengarten stated to the board that as they go through the criteria deliberations for the Special Exception, on Page 8 of  
42 the presentation there is a written response for each criterion.  
43  
44 L. Daley stated the presentation was thorough and answered most of the questions. Is there a picture of the towers in  
45 relations to the height and the surrounding trees?  
46  
47 J. Plourde: can a rendering be put together showing the tower height in the proposed location, or with a balloon test? The  
48 balloon test would allow the board to see the proposed height as well as the neighbors. That kind of test is common when  
49 height is being considered.  
50  
51 F. Hopengarten stated a balloon test is less representative and less accurate than a rendering because a balloon at 90 ft. will  
52 be blown around. He pointed out the trees are all mature and probably around 70-85 ft. tall. If you really need a rendering,  
53 we can certainly provide one but realistically given the size of the trees the towers will only be a short distance above the  
54 tree line.  
55  
56 M. Thornton pointed out trees do move and the towers will not, but eventually the towers will blend in.  
57  
58 J. Plourde asked what will the neighbors across the street see especially from the second floor.

## MINUTES OF THE ZBA MEETING JULY 1, 2021

1  
2 F. Hopengarten emphasized the towers will be 420 ft. from the roadway.  
3

4 L. Daley pointed out the abutters are neither present nor via phone.  
5

6 Numerous discussions continued about the view from the neighbor's homes. F. Hopengarten explained how the distance  
7 from the road and with the vegetation will make it difficult to see the top of the towers.  
8

9 R. Costantino stated he is ok with what has been presented.  
10

11 F. Hopengarten showed to the board additional pictures of the abutter homes and the location of the towers. He pointed out  
12 the test in the Special Exception criteria does not say the towers have to be completely invisible. More pictures were shown  
13 from various sides and the board continued with additional discussion.  
14

15 J. Plourde asked about the fall zone. F. Hopengarten the towers will cork screw but not only that, they will be surrounded  
16 by numerous trees to break the fall.  
17

18 M. Thornton cited an actual instance in Amherst where a guy wire was hit by a car and the tower did corkscrew down.  
19

20 F. Hopengarten pointed out the actual occurrence of a tower falling is very slight to the point where no additional home  
21 owner's insurance is needed when one is installed  
22

23 J. Plourde stated the time is getting late and there is a possibility of the case being continued especially because of the time  
24 needed for deliberations and voting as well as the issue of a possible need for a rendering of the tower height, but he will be  
25 opening it up to the public.  
26

27 L. Daley asked why there is a need to go to a height of 90 ft.  
28

29 F. Hopengarten explained the need for the 90 ft. based on the study that was done. He stated it is common for towers to be  
30 between 75 and 120 feet. Because of the property location/topiary, 90 ft. is the ideal height for J. Webster's communication  
31 needs outside of the country. Again, additional discussions ensued regarding the best height and why the 90 ft. is needed.  
32

33 J. Plourde opened the meeting to the public.  
34

35 There was nobody present or on the phone but L. Daley stated he was contacted by an abutting property owner via phone  
36 on July 1, 2021. Michael Salzman, 165 Federal Hill Rd. He was unable to attend this meeting because he is on the road. His  
37 home is across the street. His question was about the view of the towers from his home, but the applicant has addressed this  
38 question with the presentation and the application. L. Daley wanted to ensure the board was aware he was contacted.  
39

40 J. Plourde asked if there were any more questions. There were none.  
41

42 J. Plourde asked about the rendering. R. Costantino said he is comfortable with what has been presented but if J. Plourde  
43 wants it then that is ok; M. Thornton said he is impressed with the thoroughness of the presentation and feels there would  
44 not be any gain by having a rendering done; K. Lagro did point out the neighbor across the street did ask what would be  
45 seen; J. Webster stated he has spoken to most of his neighbors and they have given their approval. Michael Salzman's  
46 house is actually not directly across the street but at an angle on the other side of the street. More discussions went on about  
47 the visibility of the top of the towers and the views from the neighbors' homes. J. Webster stated he had not spoken to M.  
48 Salzman but based on the pictures he would not have a view of the towers from his home. K. Lagro feels there is not a need  
49 for a rendering. J. Plourde agrees after seeing other pictures that a rendering is not needed, however, more discussion  
50 continued.

51 The discussion centered on the top of the towers and how much would be seen from various angles and at various times  
52 during the seasons.

53 M. Thornton pointed out it would be the smallest part of the towers that would be seen.  
54

55 L. Daley stated the time was 9:49 p.m. and asked the Chair to give the applicant some direction.

56 J. Plourde stated that based on the presentation and on the questions, and knowing what part of the tower will be extended  
57 above the tree line and as long as it is only the approximately 5 ft. of which 2 ft. would be associated with the mast, then  
58 that is what the board will be deliberating and voting on eventually and a rendering will not be necessary.

**MINUTES OF THE ZBA MEETING JULY 1, 2021**

1 J. Plourde asked the board what they would like to do moving forward. Board members feel it may be best to continue to  
2 the next meeting.

3 L. Daley asked if at the next meeting the ZBA can go straight to deliberations. J. Plourde stated he felt they had enough  
4 information to move forward to deliberations at the next meeting as long as no new information was presented.

5 L. Daley asked if board members could visit the property to look around at where the towers would be located.

6 John Webster agreed to have board members visit his property and he would show the locations of the towers and guy  
7 wires.

8 The board members were in agreement to visit Mr. Webster’s property.  
9

10 J. Plourde stated the case will be continued to the next meeting on July 15, 2021 but he did suggest the case should be kept  
11 open for public discussion after the board views the property. Only 2 members at a time will visit the property and it will be  
12 arranged through L. Daley and the applicant.

13 J. Plourde asked for a motion to continue **Case #2021-14** to July 15, 2021. R. Costantino made a motion to continue  
14 **Case #2021-14** to July 15, 2021 at 7:00 p.m. and K. Lagro seconded the motion. J. Plourde asked for a vote on the motion:  
15 R. Costantino yes; K. Lagro yes; M. Thornton yes; chair votes yes.  
16  
17

18 **3. MEETING MINUTES**

19 5/20/2021:

20 Changes:

21 Page 2 line 51 add “for board members”

22 Page 3 eliminate line stating “further discussion ensued regarding the meeting with the lawyers”; J. Plourde stated what he  
23 wants to replace that line with.

24 R. Costantino moved to approve and K. Lagro seconded; those in favor: R. Costantino yes; K. Lagro yes; M. Thornton yes;  
25 chair votes yes.  
26  
27

28 **4. OTHER BUSINESS**

29 M. Thornton informed the board he may not be able to continue attending meetings in person due to physical limitations.  
30

31 L. Daley stated to the public there is a need for recruitment of new members.  
32

33 **Motion to Adjourn**

34  
35 Chair Plourde asked if there was anything else. R. Costantino motioned for adjournment and K. Lagro seconded. All Board  
36 Members were in agreement. Meeting adjourned.  
37

38 **Motion to Approve:** \_\_\_\_\_  
39

40  
41 **Seconded:** \_\_\_\_\_  
42

43  
44 **Signed** \_\_\_\_\_  
45

46  
47 **Date:** \_\_\_\_\_  
48

49  
50 **THE MINUTES OF CASE 2021-13 WERE APPROVED** \_\_\_\_\_