

**Town of Milford
Zoning Board of Adjustment Minutes
July 19, 2007
Frank Stetson
Case #29-07
Variance**

Present: Len Harten, Chairman
 Katherine Bauer
 Fletcher Seagroves
 R. Westergren - Alternate

Absent: Bob Levenson
 Ron Pieper
 Kevin Taylor - Alternate

Secretary: Shirley Wilson

The applicant, Frank Stetson, owner of 196 Federal Hill Road, Map 53 Lot 19, in the Residence "R" district, is requesting a variance from Article V, Section 5.044.A to permit a lot with less than the required size and frontage.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

L. Harten, chairman, opened the regular meeting of the Milford Zoning Board of Adjustment at 7:37 pm. He then stated that the hearings are held in accordance with the Town of Milford Zoning Ordinances and the applicable New Hampshire statutes. He continued by informing all of the procedures of the board; he then introduced the board. He asked F. Stetson if he would be willing to sign a waiver to go ahead with a four member board and if he understood that he would need three positive votes to grant the variance and that if you are declined tonight that would not be a reason for a rehearing.

F. Stetson replied yes and proceeded to sign the waiver from a five member board.

L. Harten continued by reading the notice of hearing into the record. He read the abutters list. Abutter Kevin Stetson, 196 Federal Hill Rd and neighbor Donald Stetson, 333 Ponemah Hill Rd were present. He then read ZBA member Bob Levenson's, email to Kevin Lynch dated July 7, 2007 into the record, at Bob's request.

K. Bauer expressed the same concerns and said for us to go forward with this application; we would need to decide if the notice was indeed correct and if all the abutters were notified.

L. Harten then invited the applicant forward to give a brief overview to determine whether the board could act on the application.

F. Stetson began his presentation with a slide show of his lot and the other family land owned by his son Kevin and his brother Donald. He then explained that the 50' Right-of-way being proposed will give a second access to Kevin's future back land and do so without using Kevin's driveway as the main access to the current land locked parcel. He also noted that the lot he owns is presently for sale and every month that goes by where he doesn't sell there is a financial burden, so timing is an issue.

Discussion ensued regarding the following:

Was the proposed 50' Right-of-way creating an access to lot 53/21 or to lot 53/24-1;

Would the upcoming Planning Board application to consolidate and re-subdivide the back five parcels have an effect on this ruling;

The legal aspect of the board's ruling;

Determining which abutters should be notified;

The zoning administrator's decision;

K. Bauer made the motion to table the variance request of Case #29-07 to the August 16th meeting in order to notify the Hornes' and any other abutters to 53/24-1; and asked that the applicant come back with a detailed plan showing precisely where the 50' Right-of Way ended.

R. Westergren seconded.

Final Vote:

K. Bauer – yes

F. Seagroves – yes

R. Westergren – yes

L. Harten – yes