

Town of Milford
Zoning Board of Adjustment Minutes
August 5, 2010
Case #15-10
Carla & Erick Verstraete
Special Exception

Present: Steve Bonczar – Chairman
Kevin Johnson – Vice Chairman
Fletcher Seagroves
Zach Tripp - Alternate

Absent: Laura Horning
Steve Winder
Michael Unsworth - Alternate
Katherine Bauer – Board of Selectmen Representative

Secretary: Kathryn Parenti

The applicant, Carla Verstraete, along with Erick Verstraete, owner of 157 Westchester Dr, Map 37, Lot 168 in the Residential “A” district, is requesting a Special Exception from Article V, Section 5.02.2.A:4 for a family day care home.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

Steve Bonczar, Chairman, opened the meeting by stating 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 then read the notice of hearing into the record as well as the list of abutters: Erick & Carla Verstraete, owner and applicant were present. He noted there only four (4) members present and explained to the applicant his option of either proceeding with the case and signing a waiver, waiving his right to a five (5) member board or to table the case until a full board is present. The applicant chose to sign the waiver. S. Bonczar then invited the applicant forward to present her case.

C. Verstraete said she would like to open a family day care home and Montessori pre-school. The hours would be from 8:00AM to 4:00PM, Monday through Friday and she would follow the school calendar. There would be five children plus her child.

S. Bonczar asked if she had begun the state permitting process.

C. Verstraete replied yes, the health inspector came out and will return.

S. Bonczar inquired about the location.

C. Verstraete said it would be located on the main level of the home.

S. Bonczar asked if there would be adequate facilities.

C. Verstraete said that the family room in the house would be entirely dedicated to the daycare.

S. Bonczar inquired about plans for dropping off and parking.

C. Verstraete responded that the drop off times would be staggered between 8:00 and 9:00 and there is room for two or three cars to pull in at a time.

K. Johnson asked if there would be any traffic issues.

C. Verstraete said no, their home is at the end of a quiet road.

S. Bonczar read the uses allowable by Special Exception from the Town of Milford Zoning Ordinance; Article VI, Section 5.02.2 and stated that daycare is listed as an acceptable use under the ordinance.

S. Bonczar asked the board if they had any additional questions.

F. Seagroves asked if there would be any helpers.

C. Verstraete replied no, she spent the past five years as a Montessori teacher in Amherst, so she will be paring down from twenty-four children to six children.

F. Seagroves noted that the back yard was only partially fenced in

C. Verstraete said yes, there is a fence on the side of the yard where the children's play area is and the back line is fenced. There is also a retaining wall on the other side, so the yard is clearly defined.

F. Seagroves said he wondered about the children wandering off.

C. Verstraete replied the children would always be supervised.

K. Johnson said his questions regarding the outside play area and the safety of the children have been addressed and noted that the applicant did a lot of thought and preparation for this project.

S. Bonczar asked if there would be any signage.

C. Verstraete replied no.

Z. Tripp asked if the entire first floor would be used.

C. Verstraete the kitchen and family room would be used, but not the living room or her daughter's bedroom.

F. Seagroves inquired if they had to go before the Planning Board.

C. Verstraete replied no.

K. Johnson clarified that she would have to go before the Planning Board if they were making any physical modifications to the property.

S. Bonczar noted that there was no one in attendance for public comment, so he closed the public portion of the meeting. He then asked the applicant to go through the criteria for a special exception.

1. The proposed use shall be similar to those permitted in the district:

C. Verstraete replied there are already family day care homes in the neighborhood which don't seem to pose any problems; there is one on Wellesley Dr, which is nearby.

2. The specific site is an appropriate location for the proposed use because:

C. Verstraete stated there is enough space for the allowed number of children inside and out. There is approximately 750 sq. ft. of living space used for the daycare and a large backyard with a dedicated children's play area.

3. The use as developed will not adversely affect the adjacent area because:

C. Verstraete stated the program is for a maximum of six children operating between the hours of 8AM to 4PM, Monday through Friday while most neighbors are working. Our driveway is 55' x 20' and with our cars there is enough space for two to three more cars.

4. There will be no nuisance or serious hazard to vehicles or pedestrians.

C. Verstraete stated there is sufficient space in her driveway for the cars to pull in and park. Drop off times will be staggered so that there won't be a backup of traffic.

5. Adequate appropriate facilities will be provided for the proper operation of the proposed use because:

C. Verstraete replied there is space for parents to park, plenty of space and a bathroom for children as well as adequate space in the backyard to play. The backyard is partially fenced and clearly defined from the neighbor's yards.

S. Bonczar inquired if the state limited the number of children the applicant can have in the daycare.

C. Verstraete said yes, there is a maximum of six (6) children.

S. Bonczar asked if the play area is fenced so that the children can't get to the front yard and the street.

C. Verstraete responded that it was not fenced but there was an 8-10" wall around the play area. The children won't be outside in the backyard without supervision.

E. Verstraete said the overhead plan was taken in 2007 and since then they have filled in and added sand to the play area.

S. Bonczar opened discussion for the board.

1. Is the exception allowed by the Ordinance?

F. Seagroves answered yes

K. Johnson said yes, it is specifically stated as one of the special exceptions allowed in Residential A.

Z. Tripp agreed.

S. Bonczar agreed.

2. Are the specified conditions present under which the exception may be granted?

K. Johnson said yes, they are addressing the conditions as specified in 10.02.1:E adequate appropriate facilities will be provided. From the applicant's presentation, this has been a well thought out plan to care for the children and provide for their safety.

Z. Tripp said yes, the applicant testified that they are going through the permitting process and have started discussions at the town level for code compliance. There is plenty of parking and the end of the street is not all that busy.

F. Seagroves agreed.

S. Bonczar yes, the applicant has demonstrated that they have met the conditions taking into consideration safety, etc, and the state does carefully scrutinize these facilities to make sure they are operated within state codes.

S. Bonczar stated that after reviewing the petition and after hearing all the evidence by taking into consideration the personal knowledge of the property in question, this Board of Adjustment member has determined the following findings of fact.

1. Is the exception allowed by the Ordinance?

K. Johnson – yes F. Seagroves – yes Z. Tripp – yes S. Bonczar -yes

2. Are the specified conditions present under which the exception may be granted?

Z. Tripp – yes F. Seagroves – yes K. Johnson – yes S. Bonczar - yes

S. Bonczar asked if there was a motion to approve Case #15-10.

K. Johnson made the motion to approve Case #15-10.

F. Seagroves seconded the motion.

Final Vote

Z. Tripp – yes F. Seagroves – yes K. Johnson - yes S. Bonczar – yes

S. Bonczar reminded the applicant of the thirty day appeal period.