

**Town of Milford
Zoning Board of Adjustment Minutes
March 5, 2015
Case #2015-03
Jennifer Rheume along with
Mark Stec
Special Exception**

Present: Zach Tripp, Chairman
Fletcher Seagroves, Vice Chair
Michael Thornton
Joan Dargie
Len Harten, Alternate

Absent: Laura Horning
Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

The applicant, Jennifer Rheume, along with Marc Stec, owner of Map 53, Lot 35-21 located at 23 Settlement Lane, in the Residence "R" district, are requesting a Special Exception from Article V, Section 5.04.2.A:5 to allow the operation of a family day care home.

Minutes Approved on April 16, 2015

Zach Tripp, Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He continued by informing all of the procedures of the Board and introduced the Board. He read the notice of hearing into the record and the list of abutters was read. Marc Stec, applicant, was present.

Z. Tripp stated he wanted to start with the definition of family day care home. In response to his questions, the applicant stated that the residence was occupied by applicants, they plan on one to six children, and there were three children under age ten.

Z. Tripp stated they were allowed three additional children under ten, and that in addition to six children, one to three additional attending a full-day school program may also be cared for up to five hours per day. He asked applicant if they plan on caring for school-age children after school.

M. Stec said maybe.

Z. Tripp asked if they would be ok being limited to five children and applicant responded yes.

Applicant's presentation:

M. Stec, the applicant, stated his wife Jennifer Rheume is applying for a licensed child care to the state. Part of the process is to go to the ZBA. After that she will make similar application to the state. One of

the reasons is they already have three children. She wants to watch two to three children of local families.

Z. Tripp asked if they are required to make or have had to make alterations to the home.

M. Stec said no.

Z. Tripp asked about exterior lighting.

M. Stec said the driveway is lighted with floodlights and there are lights on the front of the house.

F. Seagroves asked if the yard was fenced.

M. Stec said it isn't fenced at this time. It is a pretty large yard, almost 2 acres if they do anything in the back yard they have to have it inspected by the state. If they put in a swing set, etc.

L. Harten asked if there was a requirement for it to be fenced.

M. Stec said no. If you have a child care center with 20-30 children, you fall under those guidelines.

F. Seagroves said if they go for a license, the state would address those things.

Z. Tripp asked applicant to read the application into the record and asked the applicant to go through the criteria for a Special Exception.

M. Stec said his wife is Jennifer Rheame, and he is Mark Stec, the owner.

Description of proposed use:

Special Exception, as specified in Article 5.04.2 Section A:5 of the Zoning Ordinance is requested to permit: Family Based Child Care (Family Day Care Home)

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

No change made to the residence.

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

No outward appearance or structure change.

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

No changes will be made to property and traffic will not increase.

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

No changes will be made to property and traffic will not increase.

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

Single family residence meets guidelines for family based childcare.

Z. Tripp asked the Board if there were any further questions; there were none. He opened the meeting for public comment. There were none. He closed the public portion of the meeting and proceeded to discussion of the criteria:

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

F. Seagroves – yes. It is allowed by special exception.

L. Harten agreed.

M. Thornton – yes. They (the board) have done others.

J. Dargie – agreed.

Z. Tripp – agreed. Family day care center is allowed in the district per 5.04.2 and use is similar to residential use in that district.

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

M. Thornton – yes. It is a good location.

Dargie – yes. It is an appropriate location in a quiet neighborhood and looks safe for kids.

F. Seagroves – yes. Under definition from NH HHS a child care program operating in the house in which the provider is a resident, so it has to be.

L. Harten – agreed. No problem.

Z. Tripp – agreed. Yard is large, nice driveway with room for turn-around spot.

C. The use developed will not adversely affect the adjacent area:

F. Seagroves – yes. Doesn't think there would be any adverse affect to the adjacent area. Only three children at this time and can only go to six. Five or six after school. He asked if all children would be picked up at the same time. Applicant said it varies.

L. Harten - No negative impact in area, small number of children and will not increase traffic flow in area.

M. Thornton – with exception of “rush minute” he doesn't see any problem.

J. Dargie – Agreed, will not adversely affect adjacent area.

Z. Tripp – area is residential, good size lot and doesn't think three children full-time and up to five after school would change residential area.

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

M. Thornton – No problem, it meets the criteria.

J. Dargie – Agreed, no nuisance or serious hazard to vehicles or pedestrians and there will not be a lot of added traffic.

F. Seagroves - No nuisance to vehicles.

L. Harten –Agreed, really a small operation.

Z. Tripp Agreed, good size lot, driveway laid out well for coming and going and neighborhood is residential with residential type traffic and speeds, so no concern there.

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

L. Harten – Yes, appropriate facilities will be provided.

F. Seagroves – Yes, they will have to go through the state licensing so they insure all proper facilities will be there.

J. Dargie – Yes, the state will give them guidelines for licensing.

M. Thornton – As far as they are concerned, they have a residency permit so facilities are available.

Z. Tripp – Floor plan shows checklist items re wash sinks, etc. and permitting process should ensure facilities are appropriate.

Vote:

Is the exception allowed by the ordinance?

F. Seagroves – yes M. Thornton – yes J. Dargie – yes L. Harten – yes Z. Tripp – yes

Are the specific conditions present under which the special exception may be granted?

M. Thornton – yes J. Dargie – yes L. Harten – yes F. Seagroves –yes Z. Tripp – yes

Z. Tripp asked for a motion to approve the application.

J. Dargie made a motion to approve Case #2015-03.

M. Thornton seconded the motion to approve Case #2015-03.

Final Vote:

M. Thornton – yes

J. Dargie – yes

L. Harten – yes

F. Seagroves – yes

Z. Tripp -yes

Case #2015-03 was approved by unanimous vote.

Z. Tripp reminded the applicant of the 30 day appeal period.