

Town of Milford
Zoning Board of Adjustment
April 15, 2021
Public Hearings
Case 2021-09
Michael and Michelle Sacco.
Special Exception

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

Absent: Tracy Steel, Member
Wade Campbell, Alternate
Joan Dargie, Alternate

Meeting Agenda

1. Call to Order

2. Public Hearings:

a. Case #2021-09

Michael and Michelle Sacco for the property located at 14 Falconer Avenue, Tax Map 17, Lot 3, is seeking a Special Exception from the Milford Zoning Ordinance, Article X, Section 10.2.6 to allow the construction of an attached accessory dwelling unit addition to an existing single-family residence in the Residential 'A' district.

3. Review Approval of Meeting Minutes: 2/18/2021, 3/18/2021

4. Other Business: TBD

5. Next Meeting:

- a. May 4, 2021
 - b. May 18, 2021
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1. CALL TO ORDER

Chair Jason Plourde welcomed everyone and declared a State of Emergency as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, the Board of Adjustment is authorized to meet electronically. This meeting is held in accordance with the applicable New Hampshire State statutes, Town of Milford ordinances, and the Zoning Board of Adjustment Rules of Procedure. He stated that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, he confirmed that the Board is:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.
- b) Providing public notice of the necessary information for accessing the meeting.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.

1 **MINUTES OF THE ZBA MEETING APRIL 15, 2021 SPECIAL EXCEPTION**

2 **Public Hearings**

3 **CASE #2021-09 Michael and Michelle Sacco**

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6 **1. CALL TO ORDER (continued)**

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8 Chair Plourde stated all votes taken during the meeting must be done by Roll Call vote. He started the meeting with a roll
9 call attendance by asking each member to state their name, where they are located and if there was anyone in the room with
10 them during the meeting. This is required under the Right-to-Know Law. Roll Call Attendance: Jason Plourde alone at
11 home, Rob Costantino with Chris Costantino in the room, K. Lagro alone at home, M. Thornton at home alone.

12
13 Chair Plourde continued stating 4 members are present and Selectman Dargie. There is a quorum which means there must
14 be 3 votes in favor of the special exception request. Chair Plourde asked the applicant, Michael Sacco, how he would like to
15 proceed due to only 4 members being present. J. Plourde asked if M. Sacco would like to move forward or postpone the meeting.
16 M. Sacco asked if there would be an appeal process should the special exception not receive the 3 required votes. L. Daley
17 confirmed there is an appeal process. M. Sacco said he would like to proceed with the meeting. Chair Plourde reviewed the
18 application process and procedures.

19
20 **2. PUBLIC HEARINGS**

21
22 **a. CASE #2021-09 Michael and Michelle Sacco SPECIAL EXCEPTION**

23
24 Michael and Michelle Sacco for the property located at 14 Falconer Avenue, Tax Map 17, Lot 3, is seeking a Special
25 Exception from the Milford Zoning Ordinance, Article X, Section 10.2.6 to allow the construction of an attached accessory
26 dwelling unit addition to an existing single-family residence in the Residential 'A' district.

27
28 J.Plourde turned the meeting over to M. Sacco for his presentation and stated L. Daley would show maps of the proposal to
29 support the application.

30
31 M. Sacco:

32
33 The plan is for an addition of an attached two car garage on the east side of the property that will start at the basement level
34 to accommodate the additional dwelling unit. The unit will be attached via a mudroom/entry way. Reason for this is the
35 need for a garage and an additional living unit for his special needs adult son. The east side of the house is the only space
36 available. The look of the addition will go along with the existing home and it meets all setback requirements. It will create
37 about 770 sq. feet of additional living space.

38
39 J. Plourde: Drove by the property and agrees that the east side appears to be the best place to put the addition. After the
40 addition, there would still be over 30 feet to the property line.

41
42 L. Daley: Confirmed what J. Plourde stated about the distance to the property line.

43
44 M. Thornton: Will the grading result in a problem?

45
46 M. Sacco referred to Mr. Badger his contractor. Minimal need for grading except for entrance to front door.

47
48 J. Plourde any more questions.

49
50 R. Costantino: Wanted to confirm there will not be additional people living at the residence and Mr. Sacco confirmed there
51 would not be as the addition would be for his son who currently lives with the Saccos.

52
53 K. Lagro: no further questions

54
55 J. Plourde: The new dwelling unit will not put an additional drain on the existing facilities; no additional usage because the
56 same number of people will be living there.

57
58 L. Daley: What other options were considered?

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4
5 M. Sacco: Considered moving but wants to remain in Milford and in that location. Also looked at a different angle for the
6 addition and a larger one as well as different locations on the property.

7
8 Chair Plourde: Anything further to add before opening to the public?

9
10 Selectman Dargie: seems like this is an excellent proposal and the board should move forward with it.

11
12 L. Daley: Received an email on 4/11/2021 from Theresa McPhillip. She expressed a concern about the setback and asked
13 about a survey. He sent an email back encouraging her to attend the meeting to address the board; these issues were
14 discussed and confirmed there would be no impact to the setback or her abutting property.

15
16 Chair Plourde asked Mr. Sacco and Mr. Badger if there was anything further before closing to the public and going into
17 deliberations/voting.

18
19 Mr. Sacco: said he had nothing further

20
21 Chair Plourde: Anything further to add before opening to the public? Seeing none and hearing none the meeting will be
22 moving into deliberations.

23
24 **Deliberations:**

25
26 Chair Plourde: ADU information first then discuss the Special Exception criteria. Special Exception Worksheet ADU
27 Requirement 10.2.6. He stated he would answer the following questions and members can add anything they feel is
28 necessary. With respect to the ADU minimum requirements:

29
30 1. Only one ADU shall be allowed per property.

31
32 2. Either the principal dwelling unit or the ADU must be owner occupied.

33 Mr. Sacco is the owner with his wife and they will be living in the primary residence of the house.

34
35 3. The size of an ADU shall be no more than 750 SF gross floor area.

36 At the maximum, the addition will be 700 SF.

37
38 4. The ADU shall include no more than two (2) bedrooms.

39 Only one bedroom is shown in the plans.

40
41 5. No additional curb cuts shall be allowed.

42 There is only one driveway.

43
44 6. An attached ADU shall have and maintain at least one common interior access between the principal dwelling
45 unit and the ADU consisting of a connector that is a minimum of 36" in width or a doorway a minimum of 32" in
46 width.

47 The design plans show the mudroom with the garage and the entrance to the ADU.

48
49 7. The ADU shall be located in an existing or proposed single-family dwelling, its detached accessory structure(s),
50 or as a stand-alone dwelling unit subordinate to the single-family dwelling.

51 Yes it is correct.

52
53 8. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be
54 made more nonconforming.

55 It is already conforming so this is non-applicable.

56
57 9. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.

58 The building permit is in process and will go through the Building Department.
59
60

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4
5 **Deliberations (continued)**

6
7 10. Must have adequate provisions for a water supply and sewerage disposal method for the ADU, in accordance
8 with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System (as amended).
9 Yes, it is correct. It is on municipal water and sewer.

10
11 With respect to the ADU criteria:

12 1. The ADU must be developed in a manner which does not alter the character or appearance of the principal use
13 as a single-family dwelling.

14 It will look similar to the existing dwelling.

15
16 2. The ADU is intended to be secondary and accessory to a principal single-family dwelling unit.
17 Based on the architectural design it will be less than the primary dwelling unit.

18
19 3. The ADU shall not impair the residential character of the premises nor impair the reasonable use, enjoyment
20 and value of other property in the neighborhood.

21 Verified setbacks and at least 30 feet from lot line and no impact to the trail system.

22
23 4. Adequate off-street parking must be provided.

24 Two car garage and driveway.

25
26 5. Any necessary additional entrances or exits shall be located to the side or rear of the building whenever
27 possible.

28 As shown on the architectural drawing, this will be the case.

29
30 Chair Plourde: Now we will go into the Special Exception criteria 10.2.1.

31
32 **a. Criteria: proposed use is as described for the district**

33 R. Costantino: yes, according to ordinance 10.2.6 that allows ADU's in residential areas with Special Exception.

34 M. Thornton: similar to other ADU's in the area.

35 K. Lagro: it meets the ADU criteria so you are not making that non-conforming or an exception.

36 J. Plourde: concurs

37
38 **b. Criteria: specific location for the proposed site**

39 K. Lagro: yes it is and within the setback.

40 M. Thornton: yes

41 R. Costantino: agrees.

42 J. Plourde: agrees.

43
44 **c. Criteria: the use will not adversely affect the area**

45 M. Thornton: no impingement upon abutters' property rights.

46 R. Costantino: agrees, no impact to anyone in the adjacent area

47 K. Lagro: agrees; within reason

48 J. Plourde: agrees

49
50 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

51 R. Costantino: there will be no hazards

52 K. Lagro: no affect

53 M. Thornton: there should be no impact

54 J. Plourde: agrees

55
56 **e. Criteria: adequate and appropriate facilities will be provided for the proposed use**

57 K. Lagro: yes, it has municipal sewer and water and no increased use to the property

58 M. Thornton: it's only adding square footage and privacy to the property

59 R. Costantino: the building will be inspected

60 J. Plourde: agrees

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5 **Voting Case #2021-09:**

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7 **ADU**

8 J. Plourde will respond yes or no, and board members are to interject if they disagree with his response.

9 Chair Plourde read all of the ADU Requirements and responded yes to all. .

10
11 **Special Exception**

12
13 Is the Special Exception allowed by the Ordinance? R. Costantino: yes; K. Lagro yes; M. Thornton yes; the chair votes yes.

14
15 Are all the specified conditions present under which the Special Exception may be granted? K. Lagro yes; M. Thornton yes;
16 R. Costantino yes; the chair votes yes.

17
18 The ZBA voted on the Special Exception 10.2.1.

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

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

21 c. K. Lagro yes; M. Thornton yes; R. Costantino yes; the chair votes yes.

22 d. R. Costantino yes; M. Thornton yes; K. Lagro yes; the chair votes yes.

23 e. R. Costantino yes; M. Thornton yes; K. Lagro yes; the chair votes yes.

24
25 Chair Plourde stated all of the criteria for the special exception were unanimously voted on by the board members..

26
27 Chair Plourde asked if there is a motion to approve CASE #2021-09 Michael and Michelle Sacco for the property located at
28 14 Falconer Avenue, Tax Map 17, Lot 3, is seeking a Special Exception from the Milford Zoning Ordinance, Article X,
29 Section 10.2.6 to allow the construction of an attached accessory dwelling unit addition to an existing single-family
30 residence in the Residential 'A' district.

31
32 R. Costantino proposed a motion to approve; K. Lagro seconded the motion. Chair Plourde presented the motion on the
33 floor to the board for approval: R. Costantino yes; K. Lagro yes; M. Thornton yes; the chair votes yes.

34
35 Chair Plourde stated criteria for the special exception request had been satisfied and application approved. There is a 30 day
36 appeal process that can be filed with the Zoning Board.

37
38 **3. MEETING MINUTES**

39
40 2/18/2021:

41 J. Plourde: those in attendance R. Costantino, K. Lagro, M. Thornton, T. Steel, J. Plourde

42 Changes: Page 3 lines 39-40 switch M. Thornton and K. Lagro

43 Is there a motion to accept the minutes with this change? R. Costantino motioned to accept meeting minutes; M. Thornton
44 seconded. Those in favor: R. Costantino yes; M. Thornton yes; K. Lagro yes; Chair is in favor.

45
46 3/18/2021:

47 J. Plourde: those in attendance W. Campbell, R. Costantino, K. Lagro, M. Thornton, J. Plourde

48 Changes: Page 2 line 41 take out the word that

49 Page 3 line 32 change J. Daley to L. Daley

50 R. Costantino:

51 Changes: Page 3 lines 8-9 remove those lines

52 Is there a motion to approve the minutes with these changes? R. Costantino motioned to accept meeting minutes; K. Lagro
53 seconded. Those in favor: R. Costantino yes; K. Lagro yes; M. Thornton yes; Chair is in favor.

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6 **4. OTHER BUSINESS**

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8 J. Plourde: all caught up on cases and meeting minutes.

9 K. Lagro requested a copy of meeting minutes from when the attorney met with the board.

10 L. Daley there are no cases in May, therefore, asked if it would be acceptable not to have a meeting in May

11 J. Plourde: no cases in May which makes this a good time to get up on the latest issues

12 M. Thornton: good time to train and get together with the Planning Board

13 Additional discussions ensued regarding housing availability and cost in Milford.

14
15

16 **Motion to Adjourn**

17
18

18 Chair Plourde asked if there was anything else. M. Thornton proposed a motion to adjourn, seconded by K. Lagro. All

19 Board Members were in agreement. Meeting adjourned.

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23 **Motion to Approve:** _____

24
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26 **Seconded:** _____

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29 **Signed** _____

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32 **Date:** _____

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35 **THE MINUTES OF CASE 2021-09 WERE APPROVED** _____

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