

Town of Milford
Zoning Board of Adjustment
AUGUST 3, 2023
Public Hearings

Case #2023-11 77 Crosby Street, SPECIAL EXCEPTION
Case #2023-12 84 Prospect Street, SPECIAL EXCEPTION

Present: Joan Dargie, Vice Chair
Michael Thornton, Member
Dan Sadkowski, Member
Rich Elliott, Alternate
Terrey Dolan, Director of Community Development
David Freel, BOS Representative

Not Present: Andrea Kokko Chappell, Chair
Tracy Steel, Member

Recording Clerk: Jane Hesketh, Community Development

Meeting Agenda

1. Call to Order

2. Public Hearing(s):

a. Case #2023-11 The applicant is seeking a Special Exception for the creation of a single (1) Accessory Dwelling Unit (ADU), comprising 638 sq. feet in size, to be located in both a small portion of the rear yard and a portion of the existing basement level of the existing single-family residence, located @ 77 Crosby Street, Street, Tax Map 39, Lot 6. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request. The property lies within the Res "A" Zoning District.

b. Case #2023-12 Need for Postponement to future Mtg (tbd): The applicant is seeking a Special Exception for the creation of a single (1) Accessory Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is located at 84 Prospect Street, Map 30 Lot 84, in the Res "A" Zoning District. The proposal is to convert the existing detached garage into a two-level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request.

3. Meeting Minutes: Review and Approval of the 6/15/23 & 7/6/23 Mtg. Minutes

4. Other Business: TBD

5. Next Meeting(s): August 17th & September 7th

6. Adjournment

1 **MINUTES OF THE ZBA MEETING AUGUST 3, 2023**

2
3 **1. CALL TO ORDER**

4
5 Vice Chair Joan Dargie opened the meeting by welcoming everyone and introducing herself. The Vice Chair welcomed
6 those attending in person and electronically.

7
8 The Vice Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting
9 Room.

10
11 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the
12 Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password
13 previously stated.

14
15 A digital copy of the meeting materials can be found on the Town website at: [https://www.milford.nh.gov/zoning-board-](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda)
16 [adjustment/agenda/zba-agenda](https://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda). We will also be live streaming the meeting on Granite Town Media, Government Channel
17 21: <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>

18
19 Vice Chair Joan Dargie continued by saying there are 2 cases to be heard and moved on to the first case.

20
21 **2. PUBLIC HEARINGS**

22
23 **a. Case #2023-11 The applicant is seeking a Special Exception** for the creation of a single (1) Accessory Dwelling Unit
24 (ADU), comprising 638 sq. feet in size, to be located in both a small portion of the rear yard and a portion of the existing
25 basement level of the existing single-family residence, located @ **77 Crosby Street, Street, Tax Map 39, Lot 6**. A Special
26 Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this request. The
27 property lies within the Res “A” Zoning District.

28
29 Vice Chair Dargie noted that according to RSA 674:72 that all ADU’s less than 750 sq. ft. are to be approved if all the
30 requirements are met.

31
32 The applicant, Trina Catalino, stepped forward. She joined the board as the meeting table.

33
34 Vice Chair then introduced herself and the board members present: Mike Thornton, Dan Sadkowski and Alternate Rich
35 Elliott. Mr. Elliot will be seated as a full member for this meeting. J. Dargie continued by informing the applicant that with
36 only 4 members there must be a positive vote from 3 members for the case to be approved. The applicant chose to move
37 ahead with the hearing.

38
39 Trina Catalino then proceeded with her presentation. She stated her project is to add on to the back of her home to create an
40 additional room from the existing basement. This will extend into the back yard. J. Dargie, to confirm, this is an above
41 ground basement that will be added onto. T. Catalino acknowledged this is correct. T. Catalino indicated her daughter will
42 reside in this area. The applicant then explained what the project will entail: removal of the existing deck; add on to the
43 above ground basement; add a bathroom. J. Dargie asked the applicant to review the criteria. Reading from the application,
44 Trina Catalino proceeded by stating the criteria.

45
46 **Special Exception Criteria under 10.02.1:**

47
48 **a. Criteria: proposed use is similar to those permitted in the district**

49 “This addition will be used as additional living space. 77 Crosby is in a rural area with many homes similar.”

50
51 **b. Criteria: specific site is in an appropriate location for the proposed use because**

52 “The site is in the back of the home; not visible from the street.”

53
54 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

55 “It’s in the back of the current structure.”

56
57 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

58 “All the work needed to be done is in the rear back yard of the home.”

59
60 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

61 “It’s an add on to the back of the house in basement. There will be full use of the house during construction.”

1 **MINUTES OF THE ZBA MEETING AUGUST 3, 2023**

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3 Vice Chair Dargie asked the applicant if there was anything more she wanted to add and she said there wasn't anything
4 more.

5
6 BOS Representative David Freel wanted to confirm there would be not setback issues and the applicant replied there would
7 not be.

8
9 Member Rich Elliott asked the applicant why the full basement could not be used instead of an addition. T. Catalino replied
10 by explaining there are other areas in the existing basement that are needed: Laundry area; Heating equipment; storage, and
11 it was just not feasible.

12
13 J. Dargie asked the board if there were any more questions. She then addressed the public to determine if there were any
14 questions or comments. Seeing none the public portion was closed.

15
16 **Deliberations:**

17
18 Vice Chair Joan Dargie then moved onto deliberations for the Special Exception criteria.

19
20 **Special Exception criteria under 10.02.1:**

21
22 **a. Criteria: proposed use is similar to those permitted in the district**

23 M. Thornton: quite common for an ADU to have these characteristics

24 D. Sadkowski: agrees

25 R. Elliott: this is allowed with Special Exception

26
27 **b. Criteria: specific site is in an appropriate location for the proposed use**

28 R. Elliott: it is because the addition will be placed in the back of the house, and utilizing existing space in the
29 basement

30 M. Thornton: attached to house

31 D. Sadkowski: it is appropriate in that it is allowed with a special exception and under the maximum allowed
32 square footage of 750 sq. ft.

33 J. Dargie: it is an add on to the existing home

34
35 **c. Criteria: the use as developed will not adversely affect the adjacent area**

36 D. Sadkowski: no it will not; doesn't run into any other properties

37 J. Dargie: it is in the back and will not be visible from the street

38 M. Thornton: it will be a similar style to the existing home

39
40 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

41 M. Thornton: these do not belong in the backyard of the property

42 J. Dargie: agrees; sees no nuisance or serious hazards

43 D. Sadkowski: agrees

44 R. Elliott: the driveway will handle the additional vehicle

45
46 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

47 J. Dargie: everything will be reviewed by the building inspector

48 R. Elliott asked if this should be a condition; J. Dargie said this is assumed since by law it is required; M. Thornton
49 to T. Dolan confirmed this is a standard condition.

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51
52 J. Dargie said she will review the following ADU Criteria; respond with a yes or no but will not take an individual vote.

53
54 **ADU Criteria under 10.2.6**

55
56 1. Is there only one (1) ADU on the property?

57 Yes

58
59 2. Is the property going to be Owner Occupied?

60 Yes

1 MINUTES OF THE ZBA MEETING AUGUST 3, 2023

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4 **ADU Criteria under 10.2.6**

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6 3. Is the ADU no more than 750 square feet gross floor area?

7 Yes

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9 4. Does the ADU have no more than two (2) bedrooms?

10 Yes

11
12 5. Are any additional curb cuts being proposed?

13 No

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15 6. Is there at least one common wall with a door between the two spaces at least 32 inches wide?

16 Yes

17
18 7. The proposed ADU shall be located in an existing or proposed single family dwelling, its detached accessory structure or
19 standalone dwelling unit subordinate to the single dwelling unit.

20 Yes

21
22 8. An ADU shall meet all applicable state building and fire safety codes.

23 Yes with a building permit/inspection.

24
25 9. Is there adequate sewer/septic and water for the additional inhabitants in accordance with RSA 45:38.

26 Yes

27
28 10. Is the ADU developed in a manner which does not alter the character/appearance of the principal use as a single family
29 residence?

30 Yes

31
32 11. Is the ADU intended to be secondary and accessory to a principal single family dwelling unit?

33 Yes

34
35 12. The ADU shall not impair the appearance of the neighborhood.

36 Yes

37
38 13. Is there adequate off-street parking?

39 Yes

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41 14. Are all necessary additional entrances or exits located to the side or rear of the building to the maximum extent
42 possible?

43 Yes

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45
46 **Voting:**

47
48 **Special Exception criteria under 10.02.1:**

49
50 **a. Criteria: proposed use is similar to those permitted in the district**

51 M. Thornton yes; D. Sadkowski yes; R. Elliott yes; Chair votes yes.

52
53 **b. Criteria: specific site is in an appropriate location for the proposed use**

54 D. Sadkowski yes; R. Elliott yes; M. Thornton yes; Chair votes yes.

55
56 **c. Criteria: the use as developed will not adversely affect the adjacent area**

57 R. Elliott yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

58
59 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

60 M. Thornton yes; D. Sadkowski yes; R. Elliott yes; Chair votes yes.

1 MINUTES OF THE ZBA MEETING AUGUST 3, 2023

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4 **Voting:**

5
6 **Special Exception criteria under 10.02.1:**

7
8 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

9 D. Sadowski yes; R. Elliott yes; M. Thornton yes; Chair votes yes.

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11
12 **Is the Special Exception allowed by the Ordinance?**

13 R. Elliott yes; M. Thornton yes; D. Sadowski yes; Chair votes yes.

14
15 **Are all the specified conditions present under which the Special Exception may be granted?**

16 M. Thornton yes; D. Sadowski yes; R. Elliott yes; Chair votes yes.

17
18 Vice Chair Joan Dargie stated all requirements have been met. There is a 30 day appeal period that can be filed with the
19 Zoning Board and the application has been approved.

20
21 J. Dargie moved to the next case.

22
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24 **b. Case #2023-12** Need for Postponement to future Mtg (tbd): The applicant is seeking a **Special Exception** for the
25 creation of a single (1) Accessory Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The
26 existing single-family home is located at **84 Prospect Street, Map 30 Lot 84**, in the Res "A" Zoning District. The proposal
27 is to convert the existing detached garage into a two-level ADU, with the kitchen/living area on the lower level, and the two
28 bedrooms on the upper level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section
29 10.02.6, is required for this request.

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31 Vice Chair Dargie stated there is a request for a postponement because the applicant needs time to get additional
32 information. Director Dolan informed the committee about the current status of this application and told the committee he
33 is working with the applicant on this.

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35 Vice Chair asked for a motion to postpone **Case #2023-12** to August 17, 2023. M. Thornton made a motion to postpone and
36 D. Sadowski seconded. All were in favor.

1 **MINUTES OF THE ZBA MEETING AUGUST 3, 2023**

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5 **3. MEETING MINUTES**

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7 6/15/2023:

8 Members in Attendance: A. Kokko Chappell, M. Thornton, D. Sadkowski, J. Dargie, T. Steel, R. Elliott

9 No changes were requested.

10 Vice Chair asked for a motion to approve minutes of June 15, 2023.

11 M. Thornton made a motion to approve and D. Sadkowski seconded.

12 All were in favor.

13
14 7/6/2023:

15 Members in Attendance: A. Kokko Chappell, M. Thornton, D. Sadkowski, J. Dargie, T. Steel, R. Elliott

16 No changes were requested.

17 Vice Chair asked for a motion to approve minutes of July 6, 2023.

18 R. Elliott made a motion to approve and D. Sadkowski seconded.

19 All were in favor.

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22 **4. OTHER BUSINESS**

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24 No other business.

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28 **Motion to Adjourn**

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30 Vice Chair Joan Dargie asked for a motion to adjourn. M. Thornton made a motion to adjourn and D. Sadkowski seconded.

31 All Board Members were in agreement. Meeting adjourned.

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54 **Motion to Approve:** _____

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56 **Seconded:** _____

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58 **Signed** _____

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60 **Date:** _____