

Town of Milford
Zoning Board of Adjustment
SEPTEMBER 21, 2023
Public Hearings

Case #2023-12 84 Prospect Street, SPECIAL EXCEPTION
Case #2023-16 22 Riverlea Rd. Ext., SPECIAL EXCEPTION

Present: Andrea Kokko Chappell, Chair
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: Tracy Steel, Member

Recording Clerk: Jane Hesketh, Community Development

Meeting Agenda

1. Call to Order
2. Public Hearing(s):
 - a. Case #2023-12 (Continuation from August 17, 2023 ZBA Hearing for Special Exception request proposed Accessory Dwelling Unit (ADU) 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.
 - b. Case #2023-16 Applicant's request is for a required Special Exception, for property located at 22 Riverlea Rd. Ext., Tax Map 8/Blk 4/Lot 7, to encroach approximately a maximum of 6.4' into the required 15' side setback of the existing residential property, as required in the Residence "R" Zoning District. This Request is for the addition of a proposed third bay onto the existing two-bay garage for additional vehicular storage. Article V, Section 5.04.2.A.7 of the Milford Zoning Ordinance requires a Special Exception be approved for any reduced front, side or rear setbacks within the Residence "R" Zoning District.
3. Meeting Minutes: • Approval of 8/17/23 Mtg. Minutes
4. Other Business: TBD
5. Next Meeting(s): October 5th and October 19th (2023)
6. Adjournment

1 **MINUTES OF THE ZBA MEETING SEPTEMBER 21, 2023**

2
3
4 **1. CALL TO ORDER**

5
6 Chair Andrea Kokko Chappell opened the meeting by welcoming everyone and introducing herself. The Chair welcomed
7 those attending in person and electronically.

8
9 The Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen’s Meeting 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 Roll call attendance with all present at Milford Town Hall: D. Sadkowski present; R. Elliott present; J. Dargie present;
20 M. Thornton present; A. Kokko Chappell present.

21
22 Chair Kokko Chappell continued by saying 2 cases are to be heard, and explained the process of the case hearings for the
23 applicant and the public. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting
24 will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they would be
25 continued or tabled to another agreed upon meeting and the public notification process for a continued case.

26
27 A. Kokko Chappell moved on to the cases to be heard.

28
29 **2. PUBLIC HEARINGS**

30
31 **a. Case #2023-12 (Continuation from August 17, 2023 ZBA Hearing for Special Exception** request proposed
32 Accessory Dwelling Unit (ADU) The applicant is seeking a Special Exception for the creation of a single (1) Accessory
33 Dwelling Unit (ADU) with two bedrooms; comprised of approximately 720 sq. feet. The existing single-family home is
34 located at **84 Prospect Street, Map 30 Lot 84, in the Res “A” Zoning District**. The proposal is to convert the existing
35 detached garage into a one level ADU, with the kitchen/living area on the lower level, and the two bedrooms on the upper
36 level. A Special Exception from the Milford Zoning Ordinance, pursuant to Article X, Section 10.02.6, is required for this
37 request.

38
39 Chair Kokko Chappell needed to recuse herself from the hearing for this case. In view of that, Vice Chair Joan Dargie took
40 over the meeting for this case.

41
42 The applicant was not present and no notification given from them. Therefore, the applicant will need to file the case again
43 with the Office of Community Development. Mike Thornton stated, unless there were extenuating circumstances, he agrees
44 the application needs to be submitted again. It was noted this cannot be a reason for allowing the absence; there was no
45 communication to the Director of Community Development that they would not be in attendance. Joan Dargie asked for a
46 motion to dismiss this case. Mike Thornton amended his previous statement by making a motion stating the applicant will
47 need to start this case again; it was seconded by Dan Sadkowski. All were in favor.

48
49 Chair Kokko Chappell returned to the meeting at 7:05 p.m. and proceeded with the next case to be heard.

50
51 **b. Case #2023-16** Applicant’s request is for a required **Special Exception**, for property located at **22 Riverlea Rd. Ext.,**
52 **Tax Map 8/Blk 4/Lot 7**, to encroach approximately a maximum of 6.4’ into the required 15’ side setback of the existing
53 residential property, as required in the Residence “R” Zoning District. This Request is for the addition of a proposed third
54 bay onto the existing two-bay garage for additional vehicular storage. Article V, Section 5.04.2.A.7 of the Milford Zoning
55 Ordinance requires a Special Exception be approved for any reduced front, side or rear setbacks within the Residence “R”
56 Zoning District.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61

The applicant, Benjamin Neno, came forward to make a presentation. Chair explained to the applicant how to proceed.

The applicant started by reviewing the criteria.

Special Exception Criteria under 10.02.1:

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

It will provide additional storage for an existing home; yard equipment, etc.

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

It is attached to the existing garage.

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

The new structure will blend in with the existing structures. It will not be much higher than the existing garage; by about a foot because it will have a different peak.

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

The home is located at the end of a cul-de-sac; last house on the left.

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

It is an addition to an existing garage and will be used as a garage.

Director Terrence Dolan noted there are a number of garage addition requests that are submitted each month; especially those with a gabled roof. In order to ensure the addition does not include an ADU in the extended roof area, ZBA will take a close look at the plans for the additional garage.

Benjamin Neno explained the purpose of the space will be used as only a garage. The garage will contain a lift for car restoration; therefore there is a need for a gabled roof to accommodate that. This restoration is for his use only as a hobby.

A. Kokko Chappell, to clarify, the addition will go 6.4 ft. into the setback. A. Kokko Chappell to T. Dolan: has there been communication from any of the abutters. T. Dolan: there have been no phone calls, letters or emails.

M. Thornton, using the picture in the application, he asked questions about where the location will be in regards to the nearest abutter. R. Elliott asked about a shed. B. Neno the shed will be removed. The trees on the lot line may be trimmed; tree limbs that go over his fence into his property.

A. Kokko Chappell stated the public portion of the meeting will be closed and the meeting moved to deliberations.

Deliberations:

Special Exception criteria under 10.02.1:

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

- R. Elliott: yes, it is just a garage
- D. Sadkowski: additional garage space as noted in the application
- J. Dargie: other homes in the area have garages
- M. Thornton: it is quite similar
- A. Kokko Chappell: a residential home requesting an additional garage.

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

- D. Sadkowski: the additional storage will blend in with the current garage
- J. Dargie: it is in an appropriate location to put an additional garage space
- M. Thornton: agrees with what D. Sadkowski said
- R. Elliott: given the location of the leach field in the backyard, it is in the best location
- A. Kokko Chappell: agrees with R. Elliott

1
2
3
4 **c. Criteria: the use as developed will not adversely affect the adjacent area**

5 J. Dargie: it will not affect the adjacent area to an already existing 2 bay garage

6 M. Thornton: the adjacent area is mainly trees and it will not affect the abutter

7 R. Elliott: agrees

8 D. Sadkowski: blends in with the current surrounding structures

9 A. Kokko Chappell: agrees with what has been said; in addition, there has been no communication from abutters
10 that this addition will affect them.

11
12 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

13 M. Thornton: no; private property

14 R. Elliott: property is set back

15 D. Sadkowski: at the end of a cul-de-sac so there should not be an issue

16 J. Dargie: agrees with what has been said

17 A. Kokko Chappell: agrees with all comments

18
19 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

20 J. Dargie: there will be; it is a garage bay that will follow building codes

21 D. Sadkowski: agrees

22 M. Thornton: since there will be a car lift, it is very appropriate

23 R. Elliott: agrees with what has been said

24 A. Kokko Chappell: agrees; building codes will need to be followed

25
26 **Voting:**

27
28 **Special Exception criteria under 10.02.1:**

29
30 **a. Criteria: proposed use is similar to those permitted in the district**

31 J. Dargie yes; D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

32
33 **b. Criteria: specific site is in an appropriate location for the proposed use**

34 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; J. Dargie yes; Chair votes yes.

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

37 M. Thornton yes; R. Elliott yes; J. Dargie yes; D. Sadkowski yes; Chair votes yes.

38
39 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians due to the proposed use**

40 R. Elliott yes; J. Dargie yes; D. Sadkowski yes; M. Thornton yes; Chair votes yes.

41
42 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the proposed use**

43 J. Dargie yes; D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

44
45
46 **Is the Special Exception allowed by the Ordinance?**

47 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; J. Dargie yes; Chair votes yes.

48
49 **Are all the specified conditions present under which the Special Exception may be granted?**

50 J. Dargie yes; D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

51
52 Chair stated the criteria for the special exception has been met and the application approved. There is a 30 day appeal
53 period that can be filed with the Zoning Board.

54
55 Member J. Dargie made a motion to approve **Case #2023-16** and it was seconded by Member R. Elliott. Chair Kokko
56 Chappell stated a motion was made to approve **Case #2023-16**. Chair Kokko Chappell asked for a vote; all were in favor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

3. MEETING MINUTES

Chair asked to move approval of the 8/17/2023 minutes to the next meeting on October 5, 2023. This will allow for revisions.

4. OTHER BUSINESS

No other business.

Motion to Adjourn

Chair Andrea Kokko Chappell asked for a motion to adjourn. J. Dargie made a motion to adjourn and it was seconded. All Board Members were in agreement. Meeting adjourned.

Motion to Approve: _____
Seconded: _____
Signed _____
Date: _____