

**Town of Milford
Zoning Board of Adjustment
December 1, 2016
Case #2016-27
Special Exception
Shari Bean**

Present: Michael Thornton, Vice Chair
Joan Dargie
Jason Plourde
Steven Bonczar
Tracy Steel
Robin Lunn, Zoning Administrator

Absent: Kevin Johnson, Chair
Rob Costantino
Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2016-27

Shari Bean, for property located at 765 North River Rd, Milford, NH, Tax Map 6, Lot 23, in the Residence R, is seeking a Special Exception per the Milford Zoning Ordinances Article V, Section 5.04.2.A, to allow a Home Occupation at an existing single family dwelling in accordance with Section 10.02.3.

APPROVED MINUTES 12/15/16

M. Thornton, acting as Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He introduced members of the Board. He stated there were two new cases on the agenda, and a working session after the public meeting, so there might not be time to consider all the cases before the 10 p.m. adjournment. Any case not heard would be tabled to the next regularly scheduled meeting without any additional notice to applicants or abutters.

Applicant, Shari Bean, and Gary Bean were present.

M. Thornton the applicant forward to present her case.

Shari Bean and Gregory Bean came forward.

S. Bean said she wanted to take half of her basement for a puppy day care. Entrance way into the garage will be main entrance for it. Didn't expect it to be busy – people who want to go out for shopping for a couple of hours and want someone to watch their puppy. Back yard fencing different type of ruling to go through, so decided to make basement half into play area and other side as an indoor area.

S. Bonczar said 295 SF in basement. Applicant just said that access was through the garage. Was there a stairway down to the basement? Any other access?

S. Bean said yes. From the top of the main floor. Wanted to build a half wall and door for access to travel through both ways.

S. Bonczar asked about hours.

S. Bean said in the morning when people go to work, so between 6 and 7; and when people get out of work, between 6 and 8. Didn't expect full day. People coming and going to work and running errands.

M. Thornton said she mentioned 50 percent of basement but in the Code Enforcement Officer's decision and comments it was mentioned total gross area of 1690 SF.

S. Bean said whatever the dimensions were.

M. Thornton said Code Enforcement Officer made it 25 percent, at 422 SF. That would be 25 percent, not fifty.

S. Bean didn't have dimensions in front of her. It looked like half.

M. Thornton asked for questions from the public. None.

R. Lunn said the code required 25 percent of the gross floor area of the house.

S. Bonczar said 1600 SF was the entire house.

M. Thornton said total house was 3940 SF. COE notes said 3940 SF total for home occupancy, total gross floor area for basement, 1690.

Other members said it was 394 SF. M. Thornton had misread the hashed square as a zero.

J. Plourde said 25 percent came from home occupation Sec. 10.02.3 Did they live there?

S. Bean said yes.

J. Dargie asked how many puppies at one time.

S. Bean said under ten – fifteen to ten. Her daughter, who is seventeen, will be able to help. Would not do more than that at one time.

J. Plourde asked about requirements for square feet per animal.

S. Bean said, unfortunately, no standards or law. That was why you wanted to make sure capacity was what you could handle and take care of.

M. Thornton referred to application, Sec. D, stating number of daily customers up to twenty.

S. Bean said she was told to give a ballpark area. If she was on her own she couldn't handle that many.

J. Dargie said she could have five in the morning and five others in afternoon.

M. Thornton said she could have twenty in a day without having twenty at one time.

S. Bean agreed. Puppies will only be age 8 wks to 6 to 7 months. After that they can go into adult care. She had back injury and can't handle large dogs.

S. Bonczar said it would be very specific.

J. Plourde referred to application where it said the property was already approved for a dog and cat grooming business.

S. Bean said back in 2008 she was going to do that and had opportunity at a business somewhere else and then was injured at work and had to rethink it.

M. Thornton asked for public comment. None. He closed the public portion of the meeting.

S. Bonczar asked about signs.

S. Bean said a little sign by the mailbox. Didn't know if there were dimensions. Had a large garage to put them up, too. Had to look into that.

S. Bonczar said whatever size signage is allowed, they plan to have something.

S. Bean said yes. There was a hair salon at the end of the road, also.

S. Bonczar said width of driveway was 24 ft., enough for two cars side by side.

G. Bean said it was flat against the side, so if they had to they could park against the side. It was mostly dirt there.

S. Bonczar said 4 to 5 cars could park.

M. Thornton asked applicant to read application into the record.

G. Bean read the questions, and S. Bean read the responses in the application, Sec. 1, A through E.

J. Plourde asked length of driveway. S. Bonczar said 69 Ft.

Brief comments about application stating 4 to 5 cars, but could get more in driveway depending on how much room you want between them. Could do two rows.

J. Plourde said they would probably be faced with having cars coming in to drop off and then another happened to come up behind them; how do they get out? Applicants may want to consider – they said beside the drive they weren't growing grass – providing a turn-around area.

G. Bean said at this point they could back over it since it was mostly dirt.

J. Plourde said likelihood of it happening would be infrequent but may want to consider it.

M. Thornton said, as one who operated a kennel and dog rescue before, you have hands full at all times and most animals are afraid and a docile animal can turn and snap at an aggressive dog in a moment.

S. Bean cited her experience – 28-yr. professional dog & cat groomer, volunteer for Wilton rescue league, picks up puppies in Boston which she did not long ago. And all of them were adopted out.

M. Thornton said there being no further questions from public, he closed public portion and went on to discussion.

J. Plourde said the house and property already approved previously for dog and cat grooming business. Those had expired. It was adequate appropriate location for some kind of animal care. They had already investigated requirements for outdoor facility. This was totally different. A lot of amenities provided in the basement to house different puppies. Experience with animals. He didn't see any issues.

J. Dargie mentioned traffic issues. Won't add a lot of traffic to that road.

S. Bonczar asked if they were discussing the first question. J. Dargie said the whole thing in general.

J. Plourde said before the questions.

M. Thornton moved on to the questions:

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

S. Bonczar - yes. Home occupation allowed in that district. This was valid home occupation.

J. Plourde agreed. Mentioned there was salon down the street. This was already reviewed at one time but now a different variation of pet day care facility.

J. Dargie agreed.

M. Thornton agreed.

T. Steel agreed.

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

J. Plourde – yes. Same as previous question.

T. Steel – yes.

S. Bonczar – yes. They met sq. ft. and demonstrated that facility in the basement will have appropriate things in place to care for puppies that will be coming for whatever duration.

J. Dargie agreed.

M. Thornton agreed. Would be pretty difficult to agree with first question and not the second.

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

S. Bonczar didn't feel it would. Only concern would be amount of traffic with customers. Based on explanation of how it would be spread out – not 20 people showing up early in the morning – would be across the day.

J. Dargie – had enough drive to keep a lot of vehicles out of way.

T. Steel agreed. The drive was adequate. Will not cause problem.

J. Plourde – it would not have impact to the road. Something they will have to monitor, depending on how much business they generate. Will definitely want to provide for customers. He was confident they would change drive to accommodate.

M. Thornton – Use as developed would not adversely affect adjacent area if the number of puppies was kept to ten as stated, not 20 as written. J. Plourde asked if he meant at one time. Because the 20 was on a daily basis. M. Thornton said at one time; under those conditions, he would agree.

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

J. Plourde – for a lot of his previous reasons, didn't think any detriment to public.

T. Steel – puppies will be inside.

S. Bonczar – driveway adequate to handle multiple cars at same time.

J. Dargie agreed.

M. Thornton – no serious hazard as long as plowing is done adequately.

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

S. Bonczar – yes. It reflected back to question re specific site because applicant demonstrated facilities in the basement will meet code and provide for proper operation.

J. Dargie –yes. They talked about having two means of entrance for proper operation.

T. Steel agreed.

J. Plourde agreed with Joan. Two means of access important. It satisfied all criteria specific to home occupation. They were providing adequate appropriate facilities.

M. Thornton agreed for the most part. Would caution that the barricade across the part of the basement being used cannot be jumped over, knocked down, and they could get to it quickly.

M. Thornton asked for motion.

J. Dargie made motion to approve Case #2016-27 for Special Exception for Sec. 5.02.A to allow home occupation, in accordance with Sec. 10.02.3

S. Bonczar seconded.

Vote on criteria:

A. Is the proposed use similar to those permitted in the district?

J. Plourde – yes

S. Bonczar – yes

J. Dargie – yes

T. Steel – yes

M. Thornton - yes

B. Is the specific site an appropriate location for the proposed use?

T. Steel – yes

S. Bonczar – yes

J. Plourde – yes

J. Dargie – yes

M. Thornton – yes

C. Will the use as developed not adversely affect the adjacent area?

J. Plourde – it will not adversely affect the adjacent area- yes

S. Bonczar – yes

T. Steel – yes

J. Dargie – yes

M. Thornton - yes

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

J. Dargie – yes

T. Steel – yes

S. Bonczar – yes

J. Plourde – yes

M. Thornton - yes

E. Will adequate appropriate facilities be provided for the proper operation of the proposed use?

J. Plourde – yes

J. Dargie – yes

T. Steel – yes

S. Bonczar - yes

M. Thornton – yes

M. Thornton asked for motion. J. Dargie had made motion to approve and S. Bonczar had seconded.

Final Vote:

J. Plourde - yes

S. Bonczar - yes

J. Dargie – yes

T. Steel – yes

M. Thornton – yes

Case #2016-27 approved by 5 to 0 vote. M. Thornton reminded applicants of 30-day appeal period.