

**Town of Milford
Zoning Board of Adjustment
October 19, 2017
Case #2017-26
Louis Davis
Special Exception**

Present: Steven Bonczar, Chair
J. Plourde, Vice Chair
Michael Thornton
Joan Dargie
Rob Costantino
Tracy Steel, Alternate
Wade Scott Campbell, Alternate
Karin Lagro, Alternate
Laura Dudziak, Board of Selectmen Representative

Absent: Robin Lunn, Zoning Administrator

Secretary: Peg Ouellette

Case #2017-26

Louis Davis, for property located at 244 Melendy Road, Milford, NH, Tax Map 52, Lot 13, in the Residential R district, is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.6 to allow an Accessory Dwelling Unit in an existing single family dwelling.

MINUTES APPROVED DECEMBER 7, 2017

Steven Bonczar, Chair, opened the meeting and introduced the Board members. He said Tracy Steel, Wade Scott Campbell and Karin Lagro, alternates, could participate in the conversation but did not have voting rights that evening because there were five full members in attendance. He stated there were three cases on the agenda. There were no minutes to approve. He informed all of the procedures of the Board. The Board's rules state that they may adjourn at 10 p.m. if cases were lengthy. Any cases not heard or completed would be continued to the next regularly scheduled meeting with no additional notice to applicants or abutters for the continued or tabled hearing date.

S. Bonczar read the notice of hearing into the record.

L. Davis, applicant, came forward. He said this was a two-car garage attached by a breezeway to his house. Built 12 years ago and one bedroom over the garage. Added a sink and cooktop. 8 ft. long cabinet. That was all that had been done to the existing bedroom.

M. Thornton asked if there was a cooking unit to the left.

J. Dargie asked if the bathroom already existed there.

L. Davis said yes. When he had it done 12 years ago he had a contingency plan for his leach field in case was needed, but it hasn't been.

R. Costantino asked if the room had a full ceiling the whole way.

L. Davis said a full ceiling on the end and a dormer on the front of the house. Documentation showed the knee wall on the front.

R. Costantino asked how he read knee wall.

M. Thornton said internal stair to the second floor.

J. Plourde said bedroom on the second floor with the garage on the bottom floor.

L. Davis pointed out to R. Costantino the knee wall and full ceilings.

R. Costantino asked if applicant would live in the regular house.

L. Davis said yes. Right now his friend was living there.

J. Plourde asked if he would keep living in the main part of the house.

L. Davis said he had lived there for 15 years and don't plan on leaving.

J. Dargie said re ADU the common wall with access. Isn't the breezeway a full height ceiling?

J. Plourde said that connected the main part of the house and garage.

J. Dargie said the requirement was to have a common entrance.

S. Bonczar said from the breezeway up. He pointed out the common wall.

J. Dargie said he would have to include the SF of the breezeway to get access.

J. Plourde said S. Bonczar was saying the common wall would be between the garage and the breezeway because the common wall went all the way up to the second floor of the garage.

S. Bonczar said they wanted to check if it was an interior access. He asked applicant if the breezeway was closed in.

L. David said the breezeway was closed in but had doors to it. Access to the back yard and a front door to his house.

S. Bonczar said that would be the interior common wall. He pointed out on the plan the part of the house and the common wall.

J. Dargie was originally thinking the garage was not ADU so that portion of the garage could not be considered common wall.

S. Bonczar said it didn't go up from the breezeway. He pointed out on picture where it would be.

J. Dargie said he was thinking common entrance had to be through the common wall.

S. Bonczar said it would be a concern if the stairs were going to an exterior exit like the backyard and not going inside. There would need to be an interior door for the access to the ADU. They had someone proposing building above a garage but the only way to get to the ADU was through the garage.. The ordinance states if it is within the structure you have to have an interior door between the main house and ADU, which he has because that portion is enclosed and is part of the house. It is 576 SF.

J. Plourde said if they had to include the breezeway in the SF he would still be under that 750sq. ft. threshold.

J. Dargie was thinking the stairway would be outside but understood the interior connection.

J. Plourde said, in case it was brought up later, even including the breezeway would bring him below the threshold.

S. Bonczar agreed. Any other questions? None.

S. Bonczar opened the meeting for public comment. None. He asked for question from the Bd. None. He closed the public comment.

The Bd. proceeded to discussion of the Special Exception criteria.

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

J. Dargie – it is similar to those and allowed.

S. Bonczar agreed. No disagreement there.

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

R. Costantino – yes

S. Bonczar – facilities were there and applicant provided photos and plans showing how it was set up to meet criteria of internal wall and access from the primary residence met that.

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

J. Dargie – no change from the outside.

S. Bonczar didn't think the majority of the neighborhood would be

M. Thornton – nobody would even know.

S. Bonczar – already existing space above the garage.

D. Will there be no nuisance or serious hazard to vehicles or pedestrians?

S. Bonczar said parking and 2 car garage and space in front as shown in photo.

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

S. Bonczar said an ADU – applicant showed that through plans. Reviewed the checklist for an ADU and was able to check off all the boxes.

VOTE:

1. Is the Special Exception allowed by the ordinance?

R. Costantino – yes; J. Plourde – yes; M. Thornton – yes; J. Dargie – yes; S. Bonczar – yes

2. Are all the specified conditions present under which the Special Exception may be granted?

M. Thornton – yes; J. Dargie – yes; J. Plourde – yes; R. Costantino – yes; S. Bonczar – yes

S. Bonczar said Case #2017-26, Louis Davis, for property located at 244 Melendy Road, Milford, NH Tax Map 52, Lot 13, in the Residential R district, for a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.6 to allow an Accessory Dwelling Unit was unanimously **approved**.

He reminded applicant of the 30-day appeal period and informed applicant that the application was unanimously approved.

M. Thornton moved to adjourn.

J. Dargie seconded.

All in favor.

Meeting adjourned at 9:25 p.m.