

**Town of Milford
Zoning Board of Adjustment
July 6, 2017
Case #2017-17
Gisella Trabor
Special Exception**

Present: Steven Bonczar, Chair
Jason Plourde, Vice Chair
Michael Thornton
Rob Costantino
Wade Scott Campbell, Alternate
Karin Lagro, Alternate
Robin Lunn, Zoning Administrator

Absent: Joan Dargie
Tracy Steel, Alternate

Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2017-17

Gisella Trabor, for property located at 8 Oakland Drive, Milford, NH, Tax Map 34, Lot 9, in the Residential A district, is seeking a Special Exception of the Milford Zoning Ordinances per Article V, Section 5.02.2.A.8 to allow for the reduction of the front yard setback to 25' for the construction of a handicapped ramp and landing on an existing single family residence.

MINUTES APPROVED AUGUST 17, 2017

S. Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He read the notice of hearing into the record.

W. Campbell was seated as a voting alternate.

S. Bonczar referred to a letter received from Gizella Trabor, the applicant, authorizing Douglas Ewing to act as a proxy during the Special Exception hearing for the safety ramp to the front door of her house.

D. Ewing came forward. S. Bonczar asked him to go over what they wanted to do.

D. Ewing said they were looking for space for a ramp of 25 ft. Need exception to put in a wheelchair ramp to the drive. The ramp needed to cover the existing stairs.

S. Bonczar asked, extended how.

D. Ewing said they needed to extend to meet the drive between the existing granite pillars. He said they started the project and the Building Inspector said they weren't within the 30 ft.

S. Bonczar corrected him, saying they were within it, which was why the Special Exception was necessary. He asked for further questions from the Board.

R. Costantino asked if there was another entrance to the house.

D. Ewing said the rear entrance.

R. Costantino questioned why they couldn't put it there.

D. Ewing said putting it on the front gave ramp access to the drive. Actually perfect distance from the paved surface for the wheelchair. Convenient access to the garage and vehicles.

S. Bonczar said that alternative [rear entrance] wasn't safe. No walkway.

D. Ewing said that was correct. Front door was wider door and main entrance to the house – the mainly used entrance.

R. Costantino asked applicant if this ramp was for him.

D. Ewing said no. It was for Ms. Tabor and her daughter who both had disabilities and needed access.

S. Bonczar referred to diagram found it in the packet. He said it was basically coming out and it was a straight shot to the driveway.

D. Ewing agreed.

R. Costantino asked if Ms. Tabor was currently in a wheelchair.

D. Ewing said yes, she was non-ambulatory.

R. Costantino asked how she was able to get in and out currently.

D. Ewing said she had to call EMTs to come out, which then made those EMTs unavailable for other calls.

S. Bonczar said you had to situate the landing onto a paved area so you could move the wheelchair around by a vehicle. You had to have pitch. Didn't help if it landed on the middle of the grass.

D. Ewing said this was a volunteer project by a non-profit organization.

S. Bonczar asked if it was wood construction.

D. Ewing said yes, pressured treated.

J. Plourde asked if the ramp, pitch and grade were all ADA compliant.

D. Ewing said yes. And met local codes.

J. Plourde asked if he was working with Tim Herlihy.

D. Ewing said yes.

S. Bonczar asked for any other questions. None. He opened the meeting for public comment.

Natalie Trabor came forward. She said she lived with her mother, Gizella Trabor, who had Parkinson's which had gotten worse. She said she herself had MS which wasn't currently affecting her mobility but it was not known what will happen in the future. The ramp was for her mother's immediate use and her potential eventual use.

S. Bonczar said there was no one else in the audience. Asked for any further questions from the Board. None. He closed the public comment portion of the meeting.

S. Bonczar then proceeded to go over with the Board the special exception criteria.

Was the use similar to those allowed in the district?

S. Bonczar said he felt if this wasn't within the setback it would be allowable. But it was encroaching on the 30 ft. setback. He asked for any other comments.

J. Plourde said they weren't talking about only having a 5 ft. setback. It would still have a 25 ft. setback. In this situation, he thought that was ample.

R. Costantino said he drove by. He didn't see any issue. It was partially built. Could see what it would look like.

S. Bonczar asked for comment re appropriate location. He thought it was. He said his mother-in-law had Parkinson's and was in a wheelchair and required a ramp. He could understand that they needed a landing on asphalt surface for access

J. Plourde said this was about access for the residents to be able to use their house.

S. Bonczar asked about the criteria on whether it would adversely affect the area.

M. Thornton couldn't see any effect on anybody else's property or damage to the homes by locating it in the location they specified.

S. Bonczar agreed. Re nuisance or serious hazard, there would be an issue if it was 5 ft from the road, as Jason said. In this case, it was still 25 ft. from the road.

R. Costantino said it was a side road, not a major road.

J. Plourde agreed. Maybe six houses.

Re adequate appropriate facilities, M. Thornton it didn't require water, plumbing, electrical.

J. Plourde said as well as it was being built to code.

S. Bonczar said they had asked about ADA. No other issues.

Vote on criteria:

1. Is the proposed use allowed by the ordinance?

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

2. Are all the specified conditions present under which the special exception may be granted?

W. Campbell – yes; J. Plourde – yes; R. Costantino - yes; M. Thornton – yes; S. Bonczar - yes;

S. Bonczar asked for a motion to approve applicant's request for a Special Exception of the Milford Zoning Ordinance per Article V, Section 5.02.2.A.8 to allow for the reduction of the front yard setback to 25' for the construction of a handicapped ramp and landing on an existing single family residence at 8 Oakland Drive, Milford NH, Tax Map 34, Lot 9 in the Residential A District.

R. Costantino made a motion to approve the Special Exception as read.

W. Campbell seconded.

Final Vote:

R. Costantino – yes

J. Plourde – yes

M. Thornton – yes

W. Campbell – yes

S. Bonczar – yes

Case #2017-17 was unanimously approved. S. Bonczar informed Mr. Ewing of the approval and reminded him of the 30-day appeal period.

There being no further business, S. Bonczar asked for a motion to adjourn.

M. Thornton made a motion.

J. Plourde seconded.

All in favor.

Meeting adjourned at 8:00 p.m.