

**Town of Milford
Zoning Board of Adjustment
April 6, 2017
Case #2017-08
Carla Verstraete
Special Exception**

Present: Michael Thornton, Vice Chair
Joan Dargie
Jason Plourde
Steven Bonczar
Tracy Steel, Alternate
Wade Scott Campbell (not voting)
Robin Lunn, Zoning Administrator

Absent: Kevin Johnson, Chair
Rob Costantino

Secretary: Peg Ouellette

Case #2017-08

Carla Verstraete, for property located at 157 Westchester Drive, Milford, NH, Tax Map 37, Lot 168, in the Residence A District, is seeking a Special Exception of the Milford Zoning Ordinances Article V, Section 5.02.2 to allow a home day care facility for up to 12 children in an existing single family dwelling.

Minutes Approved on May 4, 2017

Michael Thornton, Acting Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. The Board members agreed to table Approval of Minutes to the next regularly scheduled meeting, since there were one old case and four new cases on the agenda. Probably not enough time to consider all of them, since rules allow adjournment by 10 p.m. Any cases not heard would be tabled, with no additional notification to applicants or abutters.

M. Thornton read the notice of hearing into the record.

Carla Verstraete, applicant came forward to present her case. She had worked at Colonel Shepard that was now closing. Wanted to run a day care out of her house.

M. Thornton asked how many caregivers there would be for 12 children.

C. Verstraete said 2.

S. Bonczar concerned that application was for day care. It might not be a day care, but a school. Impact to the neighborhood had potential to be quite great. Day care was usually a few children. There were going to be 12. Basically asking to operate a school within her house on Westchester.

C. Verstraete said under state guidelines whether day care or Montessori program it was still same regulations.

J. Dargie asked about times for dropping off and picking up.

C. Verstraete said they would be staggered.

M. Thornton said it was a partially fenced back yard. Would she consider fencing that?

C. Verstraete would, if needed.

M. Thornton concerned with a child wandering away and being put in danger; don't want to see that.

C. Verstraete said she had been teaching in Montessori many years and around children other years beyond that. Not going to send kids out by themselves to wander around. Will not send out other people's children without supervision.

J. Dargie said re ages of 2 ½ to 6, you really couldn't have a classroom. Pretty wide range.

C. Verstraete said Montessori philosophy was 2 years, 6 months to ten years. It was to provide a mixed age group so younger children learned from the older ones. She stated it as 2 ½ because she was nervous about not getting enough kids, but didn't think that would be a problem.

M. Thornton asked number of bathrooms in house.

C. Verstraete said two in the house and one in main floor where the kids would be. State ratio was one for 20 children.

J. Dargie asked if two adults was state requirement.

C. Verstraete said that was State requirement for home day care. Number for Shepard was 1 for 12; in the home it has to be 1 for 6.

J. Dargie asked about the pool in the back yard.

C. Verstraete said it had a locked ladder which pulled up and locked. It was above ground. She wouldn't allow children in the pool.

J. Dargie was sure there was a State regulation on that. Applicant said yes.

S. Bonczar concerned about traffic on Westchester Dr. which was a main thoroughfare in and out of the development. Potentially twelve cars in and out of the driveway. Appeared to be a school. Density as far as houses was pretty tight. Didn't personally feel it was appropriate location.

J. Plourde asked S. Bonczar re day care vs. school. How he saw it as far as traffic.

S. Bonczar said day care usually a small number of children. Wouldn't usually have 12 kids in a single location. Operating school quite different.

J. Plourde said it was the number of kids.

S. Bonczar said it was a school. People buy houses and do they want a school next door? A school was different definition.

J. Dargie said a school was more regulated vs. day care where you are babysitting and not structured activities. Day care usually a wider range in age. State regulates everything and if you have two people, you can have 12 kids. In day care you are allowed to have six kids not your own and three your own – you could have nine kids with one person.

S. Bonczar said he wasn't saying applicant wouldn't run it properly. Concerned with impact.

J. Dargie said with nine kids in one house, could have six cars.

J. Plourde mentioned the early learning center; was that considered a school or daycare?

J. Dargie said a school, a kindergarten.

C. Verstraete said they had four or five classes. She said two of the families interested for next year, there are siblings, so that would cut down two cars.

M. Thornton said that cut down a few cars; do cars show up all at once?

C. Verstraete said no.

J. Dargie said she drove by and it was a quieter part of the street. S. Bonczar said, again, in his opinion.

M. Thornton asked for any other questions from the Bd.

S. Bonczar said state had to inspect.

C. Verstraete said state inspection and fire inspection.
 T. Steel said curriculum was more structured than day care.
 C. Verstraete said it was and wasn't. Structured in her head, but the kids have free choice.
 J. Dargie asked about hours.
 C. Verstraete said 7:30 to 6:00. But not looking like she will have after care. Hopefully done at 3:00
 M. Thornton asked if potential that people would drop off at 6:30.
 C. Verstraete said a lot of people feeling loss of Colonel Shepard; parents not finding it around.
 J. Plourde asked about exploring another location.
 C. Verstraete would like to. Would like to have this for a year and then move. Col Shepard didn't close until February and with licensing, etc., no way they could do it in time.
 M. Thornton said his questions were teacher to student ratio, completion of that portion of fence seemed cheap enough insurance. Suggested getting panels that clipped together so they would be temporary but could be permanent.
 J. Plourde asked if requirement limiting number of children was based on square feet available.
 C. Verstraete said 40 sq. ft. per child.
 M. Thornton said she was at 130 sq. ft. J. Plourde said she could have 39 children.
 C. Verstraete said she'd have to have more teachers and more adults.
 J. Plourde said he didn't object to this project, but if granted, how many kids could it lead to?
 S. Bonczar said the application said up to 12. He was considering a condition. But it said 12, so no need.
 M. Thornton asked for public comment. None. He closed public comment.
 The Bd proceeded to deliberation of the criteria.

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

J. Dargie – yes
 J. Plourde agreed it was similar to those permitted, whether day care or school, per special exception.
 T. Steel - yes
 S. Bonczar said either a school or day care allowed by special exception
 M. Thornton – yes
 J. Dargie asked about voting while giving an opinion. M. Thornton said they needed to go through the five criteria, and then the two special exception criteria.

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

S. Bonczar said it was not appropriate location. Too intense for proposed use in that location.
 J. Dargie said it was an appropriate location.
 T. Steel agreed.
 J. Plourde said it was because if you look at 12 kids coming to school or day care. If all coming in individual cars, that would be one car about every 5 minutes if they all came at the same hour.
 M. Thornton agreed. Yes.

3. Would the use as developed not adversely affect the adjacent area?

S. Bonczar – No. There would be impact based on intensity of the use.
 T. Steel – yes. It will not adversely affect adjacent area.
 J. Plourde – agreed it will not. Would like to see the fence go all the way around to make sure and control not having an adverse effect.
 J. Dargie – yes. It will not adversely affect adjacent area.
 M. Thornton – yes

4. Will there be any nuisance or serious hazard to vehicles or pedestrians?

J. Plourde – there will not be nuisance or serious hazard to vehicles or pedestrians.
 T. Steel – agreed.
 J. Dargie - agreed
 S. Bonczar – no. Concern with intensity of 12 vehicles going in and out on Westchester Dr. Had potential to be unsafe if they all go there at the same time. He would caution against that.

M. Thornton – yes

5. Are adequate appropriate facilities provided for the proper operation of the proposed use?

J. Dargie – yes. Plan is there and state regulates and will do inspection.

J. Plourde agreed with J. Dargie

T. Steel agreed.

S. Bonczar – yes because it was controlled by state.

M. Thornton - yes

Vote on additional criteria:

1. Is the special exception allowed by the ordinance?

J. Plourde – yes, through special exception; S. Bonczar – yes; J. Dargie – yes; T. Steel – yes;

M. Thornton – yes

2. Are all the specific conditions present under this the special exception may be granted?

J. Plourde – yes; J. Dargie – yes; S. Bonczar – yes; T. Steel – yes; M. Thornton – yes

J. Plourde made a motion to put in condition to be applied to Case #2017-08 to fully enclose the back yard as depicted on the diagram provided with the application – to fence in the back yard.

J. Dargie seconded.

Vote on Motion for Condition:

S. Bonczar – no, to be consistent all along; J. Dargie – yes; J. Plourde – yes; T. Steel – yes; M. Thornton – yes

J. Dargie made a motion **approve** Case #2017-08 with condition of adding a surrounding fence.

J. Plourde seconded.

Final Vote: Yes vote was to approve with the condition of fully fencing the back yard.

J. Plourde – yes

J. Dargie – yes

S. Bonczar – no

T. Steel – yes

M. Thornton – yes

Case #2017-08 approved by 4 to 1 vote.

M.Thornton said case approved and reminded applicant of 30 day appeal period.

There being no further business, S. Bonczar made a motion to adjourn. All in favor.

Meeting adjourned at 10:00 p.m.