

**Town of Milford  
Zoning Board of Adjustment  
September 7, 2017  
Case #2017-21  
John Brady  
Special Exception**

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

Absent: Michael Thornton  
Joan Dargie  
Tracy Steel, Alternate  
  
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

**Case #2017-21**

John Brady, for property located at 108 Amherst St., Milford, NH, Tax Map 22, Lot 64 in the Residential A District, is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.3 to allow Home Occupation providing clock repair in a portion of the barn attached to an existing Single Family residence.

**MINUTES APPROVED DECEMBER 7, 2017**

Steve Bonczar, Chair, opened the meeting and introduced the Board members. Wade Scott Campbell and Karin Lagro were seated as alternates by acclamation. S. Bonczar introduced the Board members and informed all of the procedures of the Board. He read the notice of hearing.

J. Brady, applicant, came forward. He stated he had a clock repair business. A barn attached to his house had an open area for the repair business. No heavy machinery. Would also be having customer drop off clocks. He had parking for it. Had been two businesses in this location before. He believed he met criteria because he wasn't interfering and not creating hazards. It was a very small business.

S. Bonczar asked if it would occupy the barn.

J. Brady said there were a barn and two garages attached to the home.

S. Bonczar asked R. Lunn about how the square footage of the house and barn were calculated.

R. Lunn said part of the barn proposed to be used for the home business. Regulation said combined floor area of the house and accessory building. When they calculated it, it was 4 percent.

S. Bonczar said they know it shall not exceed 25 percent of the gross floor area. Also, the application said he was going to possibly sell clocks out of there. He asked about intensity as far as traffic in and out of the drive.

J. Brady said he had owned a retail clock repair business in a retail strip mall. It was about 4 or 5 people a day. It was very target audience. Generally someone would bring in a clock for repair and see something on the shelves.

S. Bonczar asked if most of the traffic carried in, or shipped in.

J. Brady said most was house calls. He goes to the home and inspects the clock there and then brings it to the shop.

J. Plourde asked if people would come to the shop at random or by appointment.

J. Brady said by appointment. He will have hours on Saturday, 10 to 4. But mostly by appointment because he would be out on calls.

S. Bonczar asked for any other questions from the Board.

J. Plourde asked applicant if he lived in the house.

J. Brady said yes, he lived there with his wife and sister-in-law.

R. Costantino referred to the drawing showing parking out front and additional parking behind the barn.

J. Brady said back area wasn't paved. If there were an issue for parking there was access behind the building and square footage in back yard and would probably do 12 cars, but that would not be probable.

R. Costantino asked about access.

J. Brady said at side of the garage building. Enough room – about 14 to 15 ft. between the edge of building and the property line.

S. Bonczar said it sounded like, based on testimony, the intensity of use would not be that great. Would be maybe one or two cars at most at a time, so that area in front would be more than adequate.

J. Brady said he would be surprised if it wasn't.

S. Bonczar asked for any questions from the Board. None. He asked the applicant to read his answers to Questions A through E on the application. (see application) Added comments follow:

Per Question A, he added it was the square footage required.

Per Question B, he added it had not been used for a business for a certain amount of time, so it wasn't grandfathered.

Re Question C, he said there would be limited customer traffic and shipments from UPS and the postal service, with off-street parking for 6 to 8 cars.

Per Question D, he added the sidewalks ended at the driveway. J. Plourde said there was a crosswalk before the driveway that crosses Amherst St.

W. S. Campbell said they pretty much ran out of room for any type of continued sidewalk.

Per Question E., applicant added he had a barn that was there, shelving was all there. He took some shelves down to get floor space.

R. Costantino asked if he had spoken to his neighbors.

J. Brady said the neighbors at 104 or 106 (wasn't sure of the number), Bill and his wife, were fine. Neighbor on the other side who was developing property at 112, thought it would be a great idea. He spoke to the two people directly affected.

S. Bonczar asked if he was a new owner.

J. Brady said yes.

S. Bonczar said any special exception terminates when the property is sold. The one for the previous bike repair business would have expired.

J. Plourde asked if all clock repairs and displays will be inside the barn.

J. Brady said nothing outside. Only thing outside would be if he could find a street clock he could put out there.

J. Plourde said no evidence of the home occupation outside of the barn. With his business, an outside clock might be okay if it was with a sign.

J. Brady said he would put the clock on the side of the barn so it won't be out on the street. May or may not have a name on it.

R. Costantino said previous person there had bikes out all the time.

J. Brady said when he tells people where he lives and says "bike shop" they know what it is.

S. Bonczar said this was better.

S. Bonczar asked for other questions from the Board. None. He opened the meeting for public comment. None. Before closing public comment, he asked members for any other questions for the applicant or if any clarifications needed. None. He closed public comment and proceeded to discussion of the five criteria

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

K. Lagro – there was mixed use right in that area, with condos, and the auto glass business down the street.

S. Bonczar agreed.

W. S. Campbell agreed with K. Lagro. Mixed use area and not a high generator.

R. Costantino and J. Plourde agreed.

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

W. S. Campbell – yes. Re what K. Lagro said on previous question, it was appropriate location.

S. Bonczar agreed. There was enough parking in front and utilities. Portion of the barn was small footprint of the whole structure. Use was not inappropriate.

J. Plourde – specific site was previously used as a home occupation. It was at that time deemed appropriate for a home occupation.

S. Bonczar commented that was then, this was now.

R. Costantino said it was an appropriate location.

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

S. Bonczar said he didn't think so. Based on previous home occupation this had less impact and probably no impact. No bikes stored outside. There was enough parking. Intensity was minimal. Not a lot of cars parked at one time. Applicant picks up clocks in most cases.

J. Plourde said at a different location it was in a high profile location and there was not a lot of traffic.

K. Lagro said it was a specific targeted location so people have to go looking for it.

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

J. Plourde said if it was going to be a high traffic generator, it might because of sidewalk ending and the crosswalk. They were talking about a maximum of 4 to 5 cars a day. He didn't see any issue because of existing infrastructure there.

W. S. Campbell agreed.

S. Bonczar said he might have more concern if it was closer to that intersection with Merrimack Rd.

R. Costantino had no issue with it.

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

W. S. Campbell said he wasn't changing anything.

S. Bonczar said minor impact. Not industrial, loud tools and machinery. It was a small quiet operation.

There being no other comments or discussion, they proceeded to vote.

**Vote on Special Exception Criteria:**

**1. Is the Special Exception allowed by the ordinance?**

**W. S. Campbell – yes; R. Costantino – yes; K. Lagro – yes; J. Plourde – yes; S. Bonczar - yes**

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

**J. Plourde – yes; R. Costantino – yes; K. Lagro – yes; W. S. Campbell – yes; S. Bonczar - yes**

S. Bonczar, Chair, stated that, the criteria for a Special Exception having been satisfied the application was **unanimously approved**. It was approval of Case #2017-21, John Brady, for property located at 108 Amherst St., Tax Map. 22, Lot 64, for a Special Exception from the Milford Zoning Board Ordinance, Sec. 10.02.3 to allow for a home occupation for a clock repair business attached to a single-family residence. He also reminded applicant's representative of the 30-day appeal period.