

**Town of Milford
Zoning Board of Adjustment
February 16, 2017
Case #2017-01
Douglas Maillet
Special Exception**

Present: Kevin Johnson, Chair
Michael Thornton, Vice Chair
Joan Dargie
Jason Plourde
Steven Bonczar
Rob Costantino, Alternate
Robin Lunn, Zoning Administrator

Absent: Tracy Steel
Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2017-01

Douglas Maillet, for property located at 53 Colburn Rd, Milford, NH, Tax Map 52, Lot 26-1, in the Residence R (Res-R) District, is seeking a Special Exception per the Milford Zoning Ordinances Article X, Section 10.02.6, to allow an Accessory Dwelling Unit inside of an existing single family dwelling.

Minutes Approved on April 20, 2017

K. Johnson, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He stated there were Minutes of meetings to be approved and three new cases on the agenda.

Applicants Douglas and Monica Maillet were present.

K. Johnson asked the applicants to present their case.

D. Maillet stated they wanted to finish their basement into an Accessory Dwelling Unit (ADU), plus a gym for home use.

K. Johnson stated that a home gym wasn't part of the ADU, so didn't matter in this application.

D. Maillet said his daughter just graduated college and would probably be moving back home; also, his elderly in-laws in Florida may need a place to stay once in a while.

J. Plourde said, in going over the criteria, everything matched up. One item not listed was dimensions. Was this an attached ADU? He quoted from the Ordinance Sec. 10.02.6 requiring an attached ADU to have and maintain at least one common interior access between the principal dwelling structure and the ADU of a connector at least 36" in width or doorway a minimum of 32" in width. He asked if this proposal satisfied that criteria.

D. Maillet was pretty sure it did. Separate main door is 36". Almost handicapped-accessible.

K. Johnson opened hearing for public comment. There was none. He closed the public comment.
K. Johnson then moved on to discussion of the criteria (Sec. 10.02.6 A.1). He stated that an ADU was allowed by Special Exception in the Res-R District. He quoted the criteria necessary for all ADU cases. First, it shall be owner occupied. Applicants need to live in the house; if they sell the house, there were different rules. Town does not restrict that it must be for a family member. This was not exceeding gross floor plan.

D. Maillet asked about that being changed to 750 SF.

K. Johnson said not yet. State had new regulations, but there would be time to implement them.

R. Lunn said June 1 was effective date for the statute.

K. Johnson said there was no need for additional curb cut. Driveway issue was already discussed. It was in existing single family home. Not a nonconforming residence. Must meet all applicable State and local building, fire, and health and safety codes, which would be determined by Office of Community Development and Planning Bd. Bd. members agreed.

K. Johnson then read through the second set of criteria (Sec. 10.02.6.A.2)

a. He said, based on the plan he didn't see any adverse effect. Other Bd. members agreed. b. It was secondary and accessible to the dwelling unit. All Bd. members agreed. c. It shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other property in the neighborhood. He didn't see any effect on the neighborhood. d. parking – house is on fairly open property, with adequate off street parking. e. additional entrances or exits should be on rear or side. He didn't see any modifications requiring additional entrances.

S. Bonczar asked if property dropped off at back side.

D. Maillet said no. It was cellar well that dropped down about a foot lower than the windows.

S. Bonczar asked if it was a walk-out basement.

D. Maillet said no. All three egress windows.

K. Johnson asked for any other discussion from the Bd. There was none.

Vote on criteria:

A. Is the special exception allowed by the ordinance?

M. Thornton – yes

J. Plourde – yes

S. Bonczar – yes

J. Dargie – yes

K. Johnson - yes

B. Are the specific conditions present under which it may be granted?

J. Dargie – yes

J. Plourde – yes

S. Bonczar – yes

M. Thornton – yes

K. Johnson - yes

K. Johnson asked for motion to approve Case #2017-01 for Special Exception for Sec. 10.02.6.A to allow an Accessory Dwelling Unit at 53 Colburn Road.

J. Dargie made motion.

M. Thornton seconded.

Final Vote:

S. Bonczar – yes

J. Plourde - yes

M. Thornton – yes

J. Dargie – yes

K. Johnson - yes

Case #2017-01 approved by 5 to 0 vote. K. Johnson informed applicants of unanimous approval and reminded applicants of 30-day appeal period.