

**Town of Milford  
Zoning Board of Adjustment  
September 7, 2017  
Case #2017-20  
Raisanen Homes Elite, LLC  
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 #2017-20**

Raisanen Homes Elite, LLC, for property located at 74 West Meadow Court, Milford, NH, Tax Map 39, Lot 70-19 in the Residential A District, is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.6 to allow for an Accessory Dwelling Unit to be built as part of the proposed Single Family Dwelling on Lot 19 of the West Meadow Estates subdivision plan.

**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.

Chad Brannen of Fieldstone Land Consultants, representing the applicant Raisanen Homes, said he had submitted a package of architectural plans for the proposed ADU (Accessory Dwelling Unit) and a Special Exception application and narrative addressing criteria required for a special exception under Sec. 10.02.06 of the Ordinance concerning Accessory Dwelling Units. He offered to go through the criteria for special exception.

S. Bonczar asked him to go over the highlights of that and then get to the specifics of the ADU.

C. Brannen said Sec. 10.02.06 outlined standards for ADUs in Par. A, 1, a-k.

- a. Only one ADU shall be allowed; they were requesting only one.
  - b. The principal dwelling or ADU shall be owner occupied – the application stated the principal owner would reside in the dwelling
  - c. The ADU shall not be more than 700 SF – proposal is for 513 SF.
  - d. ADU shall not be more than two bedrooms – project is for only one bedroom, with its own small kitchen and bath area as depicted on the plan. No additional curb cut – Driveway is shared access.
  - e. Only one curb cut for the project.
  - f. An attached ADU shall have and maintain at least one common interior access between the principal dwelling structure and the ADU consisting of a connector a minimum of 36” in width or a doorway of minimum of 32” in width – Proposed was 36” minimum with 32” minimum door width depicted on the plan.
  - g. An ADU shall be located in an existing or proposed single-family home, its detached accessory structure(s) or as a stand-alone dwelling unit subordinate to the single-family home – they meet that.
  - h. N/A
  - i. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be made more nonconforming – this was not an existing nonconforming structure. It was a proposed structure.
- J. Plourde asked if it was one of the houses in back.
- C. Brannen said yes.
- j. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes – design will meet all local and State Building, Fire and Health Safety codes. Will be submitting building permit if this application was approved.

He said the development had adequate provisions for water and sewer, being served by municipal water and sewer. Under the Special Exception within the application, there were five criteria, which were addressed in the application. He would be happy to go through them and answer the Board’s questions.

S. Bonczar asked the Board for any questions. None. He said this was new construction. In most ADU cases the intent was to convert a portion of the structure into an ADU. In this case, it was being designed into the new home.

R. Costantino said that one of the dwellings must be owner occupied and asked if the owner lived there currently, and who the owner was.

C. Brannen said Mr. Raisanen was under contract currently. Buyer was the one requesting the ADU and would be residing in the residence.

R. Costantino said usually in ADU cases, the owner was the occupier.

S. Bonczar said this was a little unusual. They were building to meet the wishes of the owner.

R. Costantino asked if there would need to be an inspection to make sure the owner is occupying it.

S. Bonczar said that may be true. At this point, no issue with that. This was a case where there was a new building. They don’t have a condition that a new dwelling being built with an ADU be occupied by the owner at that time.

R. Costantino asked about when it changes ownership.

C. Brannen said the ordinance stated that a new owner must apply.  
R. Costantino asked, if they approve it, he will be in compliance?  
S. Bonczar said there was no specific wording for new construction of an ADU.  
J. Plourde asked about any covenants in West Meadow Estates that would be in conflict with this special exception.  
C. Brannen said there were no covenants. Entire project was built by Raisanen. No homeowners' association re covenants. The building being built was essentially the same as a number of units in the neighborhood.  
R. Costantino asked about an area shown in the back on the plan.  
C. Brannen said that was a roof – might be access for the basement.  
R. Costantino asked about a deck.  
C. Brannen said there was a deck and this ADU would have access to it.  
R. Costantino asked it access was from the kitchen area.  
S. Bonczar said it looked like it was shared and if it was on the ground floor.  
C. Brannen thought it was shared. On the first floor level. It was stated on the architectural plan. The only plan showing details about the ADU was on the plan submitted.  
S. Bonczar asked for any other questions from the Board. None. He asked if C. Brannen had anything to add.  
C. Brannen read through the special exception criteria from the application. Re #2, he added that it was consistent with the surrounding properties. Re. #3, he added that it fit with the surroundings and met all criteria of 10.02.06. Re #4, he added that the presence of an ADU inside a residential home didn't present any vehicle or pedestrian hazard. J. Plourde said it was at the end of the cul-de-sac. Re # 5, he said it was a new development, all connected to municipal sewer and water and will comply with all local and State building codes.  
C. Brannen then read from the application re the criteria under Sec. 10.02.06. 2: Re a. he added that he had additional architectural plans with him and would be glad to pass them around. It had a single-family appearance from the street with one curb cut. J. Plourde asked if he wasn't planning to go out horizontally, but vertically. C. Brannen said they were using portion of the first floor and showed a view on the street. No bump out. A farmer's porch on the front. He said it looked like other homes in the development. Re c, he added this touched on J. Plourde's comment. It has appearance of single-family house. Not creating concerns or blights for the neighbors. Re d., he added that they provide adequate off-street parking. Long enough driveway with a two stall garage. Re e., he added that was presented in the layout. They didn't have any entrances or exits on the street side. Would come out the back.  
C. Brannen said the last thing in the application was regarding compliance inspection. They understand that will likely occur after transfer.  
S. Bonczar asked for other questions from the Board. None. He opened the meeting for public comment. None. Before closing public comment, he double-checked for any additional questions from Board. None. He closed public comment and proceeded to go through the five criteria for each member's opinion of what had been presented and what was in the ordinances re ADU and the structure.

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

J. Plourde – yes. It was residential in nature in a residential area. It was allowed by Special Exception.

K. Lagro – it certainly fit. Looked like a single-family dwelling from the outside – meets all the criteria.

R. Costantino – agreed with J. Plourde.

W. S. Campbell – agreed.

S. Bonczar – agreed. With that ADU in that structure out there it matched with what they have seen in the past.

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

W. S. Campbell – yes

K. Lagro – yes  
J. Plourde – yes. Thought it met all requirements in the R District. ADU wasn't exceeding any of those.  
R. Costantino agreed.  
S. Bonczar – it was not inappropriate and will not be detrimental to the neighborhood or area.  
**3. Will the use as developed not adversely affect the adjacent area?**  
R. Constantino – it fit right in with other homes.  
K. Lagro – agreed.  
W.S. Campbell – agreed.  
J. Plourde – agreed.  
S. Bonczar – based on plan it looked like single-family home. Rear being dedicated to the ADU. Felt it was good that it was being developed as the home was new.  
**4. Will there be no nuisance or serious hazard to vehicles or pedestrians?**  
W. S. Campbell – it was in a cul-de-sac  
J. Plourde – the drive will be long with two-car garage. Will not be detrimental to pedestrians.  
R. Costantino – agreed. It was same as the other houses.  
S. Bonczar – agreed.  
**5. Will adequate appropriate facilities be provided for proper operation of the proposed use?**  
K. Lagro – it was actually under all of what was allowed.  
W. S. Campbell – new construction, so it met everything.  
R. Costantino – yes, as long as they do that compliance inspection.  
S. Bonczar – agreed. It was new construction being designed with the rest of the home to meet regulations.  
K. Lagro said it was also on town water.

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?**

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

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

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

S. Bonczar said, based on the voting on the criteria, that they had been satisfied, the application was **unanimously approved**. He also reminded applicant's representative of the 30-day appeal period.