

**Town of Milford
Zoning Board of Adjustment
November 17, 2016
Case # 2016-26
William and Kathleen Downs
Special Exception**

Present: Joan Dargie
Jason Plourde
Rob Costantino
Steven Bonczar

Absent: Kevin Johnson
Michael Thornton
Kathy Bauer, Board of Selectmen Representative

Secretary: Peg Ouellette

William and Kathleen Downs, for property located at 5 Harvest Drive, Milford, NH, Tax Map 39, Lot 66-9, in the Residence A District, is seeking a Special Exception per the Milford Zoning Ordinances Article X, Section 10.02.6 to allow an Accessory Dwelling Unit in an existing single family dwelling.

APPROVED MINUTES 2/16/17

Steven Bonczar, acting as Chairman, opened the meeting by stating that the hearings are held in accordance with the Town of Milford Zoning Ordinance and the applicable New Hampshire Statutes. He then introduced the Board. He continued by informing all of the procedures of the Board.

Applicants, William and Kathleen Downs, were present.

S. Bonczar invited the applicants to come forward to present their case.

W. Downs read Sec. 1 of the application into the record.

In Paragraph D, he added a comment that they didn't have nine cars, but there was sufficient parking space for nine cars.

W. Downs stated the reason he and his wife were there. Their house was not that old; they were still finishing it. They had always anticipated at some point, as his wife's parents were elderly, they would like to be able to bring them to live with them. Or, in their own case, as they get nearer retirement, one of their children might come to live in the house. That would give them help to take care of the yard and pay expenses on the house, and also allow them to go somewhere warm during the cold months. A lot of the provisions already provided for in the construction. Adequate piping under the slab of the house for a bathroom down there. Didn't anticipate doing it this quickly, but in conversations with their daughter, and fact that Mrs. Downs' father had a near stroke, they felt the time was right.

S. Bonczar said he was going to ask about plumbing, but Mr. Downs answered that.

W. Downs said he had photos of piping put in under the slab.

S. Bonczar asked the square footage of the common bedroom, bath, kitchen, living area – 649 SF?

W. Downs said he updated it. Original draft included a peninsula, which had been taken out.

S. Bonczar showed what he had.

W. Downs said that was latest version. Showed layout of lot. Knew they were sacrificing the back yard. Chose to have garage back there and room for additional parking. Plan was always to have potential for expansion with this apartment.

S. Bonczar asked about access by double doors to the back. Was it a walk-out?

W. Downs said it was. They put in an egress window. Window next to the door was an egress window which would allow a bedroom under code. A double door there. Pretty convenient for going in and out of bedroom.

S. Bonczar asked for questions from the Board.

J. Plourde cited the Ordinance, Article X, Sec. 10.02.6f which states that 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. in width or doorway a minimum of 32 in. in width. Could he show that?

W. Downs showed on the plan the stairs were 36 in. in width.

J. Plourde asked if the stairs shown went up to the main house.

W. Downs said they did.

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

W. Downs pointed out that on the plan there was section called “future office.” In speaking with the Building Dept. he learned that next year they are going to make changes to the ADU basic specifications and increase it from 700 SF to 1000 SF. At some future point they (applicants) would like to be able to put their computer, etc. in a small room. That was why he drew that in there.

S. Bonczar said those changes would have to be voted by the town through warrant. They may or may not be there. He believed they were being proposed and possibly on the next vote on warrant article in March.

J. Dargie said the state changed it saying you can’t require anything less than 700 SF. That’s happening no matter what.

J. Plourde said warrant would be if they want to increase. Right now, as presented, they met the current ordinance.

J. Dargie said even the additional hundred puts it at 749 SF, so they were okay. With the state laws, you can’t make a requirement for anything less than 750.

S. Bonczar asked if any additional comments to add. None. He opened the meeting for public comment. There being no one in audience, there were none.

S. Bonczar proceeded to the vote on the findings and closed the public comment portion of the meeting.

Vote on findings of fact:

Is the Special Exception allowed by the ordinance?

J. Plourde – yes

J. Dargie – yes

R. Costantino – yes

S. Bonczar - yes

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

J. Dargie – yes

J. Plourde – yes

R. Costantino – yes

S. Bonczar – yes

S. Bonczar asked for a motion to approve Case #2016-26 for a Special Exception on Article X, Sec. 10.02.6 to allow an Accessory Dwelling Unit in an existing single family dwelling.

J. Dargie made motion to approve Case #2016-26.

R. Costantino seconded.

Final Vote: A yes vote was to grant the Special Exception

J. Plourde - yes

J. Dargie – yes

R. Costantino – yes

S. Bonczar - yes

S. Bonczar informed the applicants they were unanimously approved for a Special Exception and reminded them of the 30-day appeal period.