

**Town of Milford
Zoning Board of Adjustment
August 15, 2019
Case #2019-16
Caryl Adamowitch and Ralph Slavik
Special Exception**

Present: Steve Bonczar, Chair
Joan Dargie, Vice Chair
Rob Costantino
Michael Thornton
Tracy Steel

Paul Dargie, Board of Selectman Representative

Absent: Wade Scott Campbell, Alternate
Karin Lagro, Alternate

Lincoln Daley, Community Development Director

Secretary: Peg Ouellette

Case #2019-16

Caryl Adamowitch and Ralph Slavik for the property located at 94 Boynton Hill Road, Milford Tax Map 45, Lot 3-14, in the Residential 'R' zoning district is seeking a Special Exception of the Milford Zoning Ordinances per Article V, Section 5.04.2.A.8 to permit a Bed and Breakfast use within a single-family residence.

APPROVED MARCH 5, 2020

50 Steve Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures
51 of the Board. He explained that the rules allow for a 10 p.m. adjournment. Any cases not heard would be re-
52 scheduled to a date and time certain. He invited the applicants to come forward to present their case.
53
54 Caryl Adamowitch and Ralph Slavik came forward.
55
56 R. Slavik said they moved to Milford two years ago and bought the residence at 94 Boynton Road. They were
57 retired educators. They thought they could do better. One thing that popped up was the shortage of places to stay
58 here. He drives for Uber from Nashua to Merrimack, etc. They didn't want to take a big chunk out of this. They
59 had gone through all processes. Final building permit approved. Septic changed from three-bedroom to four-
60 bedroom, with the B & B being the fourth. Exterior doors outside to the basement. Also parking and turn-around
61 for two cars. No parking in the street. Not planning to extend beyond four people. Most likely one to two
62 people. Hoped to be able to provide a service for the town and offer the room on a short-term basis.
63
64 S. Bonczar asked for questions from the Board.
65
66 R. Costantino asked if they would serve breakfast.
67
68 R. Slavik said from their kitchen upstairs.
69
70 M. Thornton referred to Lincoln Daley's (Community Development Director) comment #8 re how the applicants
71 would access the B & B.
72
73 R. Costantino said he wasn't clear on the difference between a B & B and Air B&B. Not usually serving
74 breakfast.
75
76 R. Slavik said this would be AirB&B and a B & B.
77
78 S. Bonczar said this was in a development. He had a problem whether this was appropriate for that location.
79 People buying a home in that type of development wouldn't expect a B & B next door. Yes, they were allowed in
80 Res. R but Res. R was a large area in town and included larger and less dense area than this. How did they
81 address that for him to feel differently?
82
83 R. Slavik said they had a neighbor present to testify. It was a short-term small number of people. It was very
84 small they were offering and willing to take on.
85
86 C. Adamowitch said they spoke to most of their abutters, who were in favor.
87
88 R. Slavik said except for one across the street, not really an abutter.
89
90 C. Adamowitch said they were not envisioning a constant flow of people day after day, month after month.
91
92 M. Thornton said L. Daley had eight comments, but #8 said applicant should discuss how registered guests should
93 access the B & B. He guessed that meant through the front door. Didn't know.
94
95 R. Slavik said there were two options. First, they would be providing a key to go into the entrance in the
96 basement.
97
98 M. Thornton asked if it was a direct entrance.
99
100 R. Slavik said yes. Would provide them way to use the front door also.

101
102 C. Adamowitch said it was access right inside of the front door to go into the basement.
103

104 M. Thornton said okay. It was security for them.
105

106 C. Adamowitch agreed.
107

108 S. Bonczar asked for questions from the Board. None. He opened public comment.
109

110 Jason Pierce of 88 Boynton Road came forward. He said he lived right next door. For the space to be made into a
111 B & B, R. Slavik came to him and asked his opinion. They had lived next door for the past few years. They were
112 educators. They were kind to his children. His main concern was safety re his two small children. Respects their
113 judgment. Knowing what respectful neighbors they were, he would not have any qualms. Keeping tourist money
114 here at home. Didn't see anything happening a lot as much as someone with a large extended family visiting a
115 lot. Applicants had a two-car garage and two-car turnaround. He didn't see any large amount of traffic in the
116 area.
117

118 S. Bonczar said it was brought up about safety. He had faith in them about making sure the right people were
119 coming in. This was not 20 acres with a big farmhouse. He would have concerns with some guests. He
120 mentioned venting them?
121

122 R. Slavik said Air B&B had a venting system built in. It gives a sense of recommendations of other people who
123 have dealt with them. He was a former principal and would have to feel confident before letting anyone into his
124 house. Would look at Air B&B.
125

126 M. Thornton said as a starting point.
127

128 R. Slavik said he drives for Uber. Would have a good sense. Would not hesitate, if any issue arose, to ask people
129 to leave.
130

131 S. Bonczar asked for any other questions. None. He closed public comment and proceeded to deliberating the
132 criteria. .
133

134 **A. Is the proposed use similar to those permitted in the district?**
135

136 R. Costantino said it was permitted with Special Exception in Residence R. He believed it was.
137

138 J. Dargie agreed. One thing she would like to see, it was good they came before the Board to ask for this
139 because there were a lot in town that were not established. It was better to know what was going on. A
140 lot of elderly housing in town. She sees a lot of people needing to visit a relative in rehab, etc. with no
141 place to stay. There was a need. Proposed use was allowed by Special Exception in Res. R.
142

143 M. Thornton said it was allowed if they approve it.
144

145 S. Bonczar agreed. One concern was, it was allowable by special exception, but if these people sell the
146 house and they move out a new owner may not be as diligent in venting clients.
147

148 M. Thornton asked about setting a condition.
149

150 J. Dargie said they had done that in the past.
151

M. Thornton said to expire when these people move.

152
153 J. Dargie said not to expire, but a condition.
154

155 S. Bonczar said he was not familiar with doing that.
156

157 J. Dargie said they did it with a two-family, that as long as that owner was living there it was allowed; but
158 once that owner was gone it was not allowed.
159

160 **B. Is the specific site an appropriate location for the proposed use?**
161

162 J. Dargie said yes.
163

164 R. Costantino said the parking was good. Not sure if this answered another question, but he liked that
165 you couldn't tell by looking at the house. They were not modifying the external look of the house. No
166 one would know unless they noticed a new car there.
167

168 M. Thornton agreed.
169

170 T. Steel agreed. She pulled up the Air B&B site and when you were hosting you had to have a
171 government ID and references. Or set house rules. Some people don't want to take small children or
172 pets. They could word them in a way that it was not a nuisance to the neighborhood.
173

174 M. Thornton agreed with R. Costantino and with what T. Steel said at the end. If a situation occurred to
175 the detriment of the neighborhood they could call the police. But he didn't see people who typically put
176 B&B would do that would know people to accept or would obtain people in their home who are detriment
177 to the neighborhood.
178

179 S. Bonczar didn't think it was appropriate location. It was a single-family neighborhood. He would want
180 it to be a single-family neighborhood with no outsiders. He didn't want to assume the new owner would
181 be as diligent. He believed applicants would, but putting it in a neighborhood like that would not be
182 appropriate.
183

184 T. Steel said they allow ADUs.
185

186 S. Bonczar said that was a permanent resident. There was a difference than being transient. If his
187 grandmother lived in his basement, that would be different.
188

189 T. Steel said they could add a condition that it went with the owner of the house.
190

191 J. Dargie said she would make that proposal.
192

193 M. Thornton proposed a second one. The fear that an owner in the future would pursue the same thing
194 and he would propose a condition to limit that. Second condition was proposed last. He supported that.
195

196 T. Steel said some people use certain price points.
197

198 J. Dargie said in reality none of them had control over customers. At least in this case if there was an
199 issue and it was a known Air B&B an issue could be brought to Community Development and could be
200 dealt with. Better to know. She would support putting a condition to expire with the selling of the house.
201

202 S. Bonczar said he may not change his vote but that would be beneficial.

203 M. Thornton would agree with him almost. Didn't see a statement that this was a certain size. If it was
204 ¼ acre lots with abbreviated driveway he would be open to the concept that it might not be appropriate.
205 This lot looked quite expansive.
206

207
208 T. Steel said it was 1.2 acres.
209

210 M. Thornton said almost the size of his. His was more rural.
211

212 **C. Will the proposed use adversely affect the adjacent area?**
213

214 J. Dargie didn't think so. One car.
215

216 T. Steel said no people outside. Just a place to stay and go to where they need to be.
217

218 M. Thornton said they couldn't stipulate that. But supervision by the owners would be expected to
219 control any guests' unacceptable behavior.
220

221 S. Bonczar felt it would adversely affect the neighborhood. It was in a Res. R district. In more dense
222 neighborhood than you would expect a B&B in.
223

224 **D. Will there be no nuisance or serious hazard to vehicles or pedestrians?**
225

226 T. Steel said cars were off street. When they use an Air B&B they are using that as a base to do things in
227 the area.
228

229 M. Thornton said Lincoln Daley (Community Development Director) specifically stated two additional
230 cars could be allowed. Could limit to no more than two additional. M. Thornton didn't think it was
231 necessary.
232

233 J. Dargie said you couldn't limit. She could have fifty at her house. People have family gatherings.
234

235 R. Costantino said no problem any more than for an ADU. He stayed in Air B&B which was two houses
236 close to each other and they allowed them to park in their yard.
237

238 S. Bonczar said no issue with vehicles and pedestrians.
239

240 **E. Will adequate appropriate facilities be provided for the proper operation of the proposed use?**
241

242 J. Dargie said they had shown it in their plans.
243

244 T. Steel mentioned the septic system.
245

246 S. Bonczar said no problem with that. Appreciated they provided that.
247

248 M. Thornton said L. Daley didn't raise any issue.
249

250 S. Bonczar said L. Daley wasn't on the Board.
251

252 M. Thornton said L. Daley didn't raise an issue. He had listened carefully. He had experience with Air
253 B&B. Exceptions, when they occur, are so wildly rare as to be newsworthy. No problem.

254
255 S. Bonczar asked about a condition.
256

257 J. Dargie made a motion to set a condition that allowable use of the B&B would expire with the sale of
258 the property.
259

260 R. Costantino seconded.
261

262 **Vote on motion for condition:**
263

264 **T. Steel – yes**
265

266 **R. Costantino – yes**
267

268 **J. Dargie – yes**
269

270 **M. Thornton – yes**
271

272 **S. Bonczar – yes**
273

274 S. Bonczar moved on to vote on the Special Exception:
275

276 **VOTE: On Special Exception:**
277

278 **1. Is the Special Exception allowed by the ordinance?**
279

280 **T. Steel – yes**
281

282 **M. Thornton – yes**
283

284 **R. Costantino – yes**
285

286 **J. Dargie – yes**
287

288 **S. Bonczar – yes**
289

290 **2. Are all the specified conditions present under which the Special Exception may be granted?**
291

292 **R. Costantino – yes**
293

294 **M. Thornton – yes**
295

296 **T. Steel – yes**
297

298 **J. Dargie – yes**
299

300 **S. Bonczar – no**
301

302 S. Bonczar said due to the voting the criteria for special exception were satisfied and the application was approved
303 by 4 to 1 vote. He reminded applicants of the thirty-day appeal period.