

**Town of Milford  
Zoning Board of Adjustment  
March 15, 2018  
Jacy and Mark Amenkowicz  
Special Exception**

Present: Steven Bonczar, Chair  
J. Plourde, Vice Chair  
Joan Dargie  
Rob Costantino  
Tracy Steel, Alternate  
Robin Lunn, Zoning Administrator  
Laura Dudziak, Board of Selectmen Representative

Absent: Michael Thornton  
Karin Lagro, Alternate  
Wade Scott Campbell, Alternate

Secretary: Peg Ouellette

**Case #2018-04**

Jacy and Mark Amenkowicz, for property located at 133 Comstock Drive, Milford, NH, Tax Map 52, Lot 41, in the Residential R district, are seeking a Special Exception of the Milford Zoning Ordinances per Article V, Section 5.04.2.A.15 to allow an Accessory Dwelling Unit in an existing single family residence.

**APPROVED April 19, 2018**

Steve Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. Since there was a full agenda, he stated the Board's rules allowed for adjournment at 10 p.m. Any cases not completed or heard would be continued or tabled to the next regularly scheduled meeting – unless an alternate location, date or time was decided upon at the end of this meeting - with no additional notice to applicants or abutters. One regular Board member being absent, it was moved by S. Bonczar to seat Tracy Steel as a voting alternate for this case. All agreed. S. Bonczar read the notice of hearing and invited the applicants to come forward and explain what they wanted to do and the highlights of their plan.

J. Amenkowicz stated that she and her husband wanted to add an in-law apartment above their existing garage. Currently, the space was a master bedroom suite with an attached  $\frac{3}{4}$  bathroom as well as a sunroom to be converted to a kitchen. She had created a table of the ordinance and how they were

52 complying with it. She stated that they will be having only one ADU. The ADU or principal dwelling  
53 will be owner occupied. The ADU will be 665 SF (within the 750 SF limit). Ordinance said it shall not  
54 include more than two bedrooms; theirs will have one bedroom. There will be no curb cuts. Re  
55 requirement for a doorway of at least 32 inches in width, their contractors designed the doorways to be 36  
56 inches in width. It will be located in their existing primary residence. Existing structure will not become  
57 nonconforming. They had applied for a building permit and were seeking their plot plan to go over the  
58 building application. The septic was reviewed by Meridian Land Services, which determined it to be a  
59 four-bedroom septic, which was on file with the town. Re Sec. A2, the ADU will not alter the character or  
60 appearance of the single-family dwelling. The only exterior change will be on the side wall. There was  
61 currently an air conditioning unit sticking out; there will be a door with a 4 x 4 landing with five steps  
62 down to the driveway. The ADU was intended to be secondary and accessory to the principal single-  
63 family dwelling. It will not impair the residential character of the premises or the neighborhood; their  
64 design complied with that. Adequate off-street parking would be provided, as they had a very long  
65 driveway with ample parking. Re requirement for additional entrances and exits to be on the side or rear,  
66 the new entrance will be on the side, although there was an additional entrance on the rear. She referred  
67 to a drawing submitted with the application. She said they walked the neighborhood and met with all the  
68 abutters except for residents at Flag Lane who were not home. As far as they were aware, the abutters  
69 were okay with their plan.

70 R. Costantino asked if the stairs were going toward the driveway, or the back of the house.

71 M. Amenkowicz responded, toward the driveway.

72 S. Bonczar asked if there was an interior door between their residence and the ADU.

73 J. Amenkowicz said yes.

74 J. Plourde asked if that was the one to be widened to 36 inches.

75 J. Amenkowicz said yes.

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

77 J. Dargie commented that it appeared from what the applicant read it hit all the points for an ADU.

78 J. Amenkowicz added that the ADU was for her mother.

79 S. Bonczar asked Board for any other questions before he opened the meeting for public comment. None.  
80 He opened the meeting for public comment. None. He closed the public comment.

81 S. Bonczar proceeded to have the Board go through the ADU criteria.

82  
83 **The ADU must be developed in a manner that does not alter the character or appearance of**  
84 **the principal use as a single-family residence.**

85 S. Bonczar said the ADU was accommodated within the existing dwelling; the only  
86 changes would be internal.

87 J. Plourde said the only external change would be the doorway, landing and stairs, which  
88 would be coming out of a regular house anyway.

89  
90  
91 **The ADU is intended to be secondary and accessory to a principal second-store dwelling**  
92 **unit.**

93 All agreed that according to the testimony, that was the case.

94  
95 **The ADU shall not impair the residential character of the premises nor impair the**  
96 **reasonable use, enjoyment and value of other property in the neighborhood.**

97 J. Dargie said the house wouldn't change.

98 S. Bonczar agreed. No drastic changes to the exterior and it wouldn't change residential  
99 character.

100  
101 **Adequate off-street parking must be provided.**

102 J. Plourde said driveway was about 100 ft. long.

103 S. Bonczar said he heard testimony on that.

104  
105 **Any necessary additional entrances or exits shall be located to the side or rear of the**  
106 **building whenever possible.**

107 S. Bonczar said that was addressed in applicant's testimony, as well as by R. Costantino's  
108 question.

109  
110 S. Bonczar said, in summary, they were all in agreement with regard to meeting these specific criteria for  
111 the Special Exception.

112  
113 **A. Is the proposed use similar to those permitted in the district?**

114 J. Plourde said ADUs are allowed in this district. It was residential in nature. So it was  
115 permitted in the district.

116 S. Bonczar agreed.

117  
118 **B. Is the specific site an appropriate location for the proposed use?**

119 J. Dargie said it was appropriate for proposed use, because it was above the garage,  
120 which was attached to the house.

121 S. Bonczar agreed. The door would be shared.

122 J. Plourde said with the vegetation in the front of the property the stairs on the side  
123 wouldn't be visible.

124  
125 **C. Will the proposed use adversely affect the adjacent area?**

126 T. Steel said no, the door and landing were the only changes to the exterior.

127 S. Bonczar said that fell in line with their discussion of the five specific ADU criteria and  
128 for this specific ADU.

129  
130 **D. Will there be no nuisance or hazard to vehicles or pedestrian?**

131 J. Plourde said with the relatively long driveway one extra car would not have any kind  
132 of impact.

133 R. Costantino said it didn't change anything beyond what they already had there.

134 S. Bonczar agreed.

135  
136 **E. Will adequate appropriate facilities be provided for the proper operation of the**  
137 **proposed use?**

138 J. Dargie said, as seen in the drawings.

139 J. Plourde said they already went through the septic.

140 S. Bonczar said they already addressed the septic, which was the big thing. This was not  
141 adding an additional bedroom. The applicant addressed every one of the specific criteria  
142 for the ADU. He felt the Board members were all on board as far as the specific criteria  
143 for a Special Exception.

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145 S. Bonczar moved on to vote on the Special Exception

146  
147 **VOTE: On Special Exception:**

148  
149 **1. Is the Special Exception allowed by the ordinance?**

150 **J. Plourde – yes**

151 **R. Costantino – yes**

152 **J. Dargie – yes**

153 **T. Steel - yes**

154           **S. Bonczar - yes**  
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156           **2. Are all the specified conditions present under which the Special Exception may be**  
157           **granted?**  
158           **T. Steel - yes**  
159           **J. Dargie -yes**  
160           **R. Costantino - yes**  
161           **J. Plourde - yes**  
162           **S. Bonczar - yes**  
163  
164       S. Bonczar said the application was unanimously approved and reminded applicants of the 30-day appeal  
165       period.