

**Town of Milford  
Zoning Board of Adjustment  
September 6, 2018  
Case #2018-25  
Ann Bellamy  
Special Exception**

Present: Jason Plourde, Vice Chair  
Michael Thornton  
Rob Costantino  
Wade Scott Campbell, Alternate  
Karin Lagro, Alternate

Absent: Joan Dargie  
Tracy Steel, Alternate  
Robin Lunn, Zoning Administrator  
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

**Case #2018-25**

Ann Bellamy, for property located at 74 Union St., Milford, NH, Tax Map 29, Lot 154, in the Residential A district, is seeking a Special Exception of the Milford Zoning Ordinances per Article II, Section 2.03.1.C.1 to allow for a home occupation for the use of third floor rooms as bedrooms in a pre-existing non-conforming duplex.

**APPROVED May 2, 2019**

Motion to Approve: \_\_\_\_\_

Seconded: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

52 J. Plourde, Acting Chair, opened the meeting and introduced the Board members. He informed all of the  
53 procedures of the Board. There was a full agenda and they may not be able to hear all cases. He  
54 explained that the rules allow for a 10 p.m. adjournment. Any cases not heard would be re-scheduled to a  
55 date and time certain. There would be no further notice to applicant or abutters for cases continued or  
56 tabled to a date, place and time certain. He said there were three full Board members present and two  
57 alternates. He asked to seat Karin Lagro and Wade Scott Campbell, Alternates, as fully participating and  
58 voting members. All in favor.

59 J. Plourde read the notice of hearing and invited the applicant to present the case.

60 Ann Bellamy came forward. She said she purchased the building in 2014 and knew at that time that third  
61 floor rooms were not to be used as bedrooms. Didn't know why. She did an inspection of the property  
62 and noticed that the existing tenants – she bought property with existing tenants – not owner occupied. It  
63 is a duplex with two units. Two floors and a bathroom. No common area. She noticed each occupant  
64 with two adults and three children and in both cases they were using the third floor as bedrooms. Both  
65 leases stated they were not to do so. She contacted the Fire Dept. and Capt. Smedick came out and she  
66 provided correspondence. Captain came out and measured. She asked him if fire escape needed for those  
67 third floor rooms. He said no, he could easily get a ladder up there. She did put carbon monoxide  
68 detectors on each floor. Met his requirements. She was concerned about a safety for that third floor so  
69 she installed safety ladders. You can put a safety ladder in a closet and if you need it you can't find it. So  
70 there are ladders installed under the window and are built in. She installed them in each bedroom that has  
71 a full size window. One ladder in each room. Four in the property. She thought she met all the  
72 requirements. Didn't know there was another step. Trying to get in compliance. Both sets of tenants  
73 subsequently moved out. One to Arizona and another bought a house in Milford. She has had the same  
74 people since the one who moved to Arizona, for four years; the left side she had about a year and a half.  
75 The family with two children. On the right, a single man. No difference in the way the building is used.  
76 Now fewer people but that was relative because there could be more or fewer children. Her reasoning  
77 was that they would use those rooms no matter what you say. You can write leases all you want. She  
78 was here to try to get compliance. She did an informal survey of multifamily in surrounding area –  
79 mostly Union, and some on Orange, Willow and Oak Streets. There are essentially – what she could see  
80 – there were two parking spaces per unit based on town records of people in the building and parking  
81 spaces she could see. Most of the multi-families in that area are two or three. She thought there was one  
82 4-unit. Her property had room for three full size vehicles on the right side – single-wide driveway. On  
83 the left, if a car pulled all the way in there was room for three cars tight together tandem. On the other  
84 side they are all owned by #74, but right of way for #72. #72 parks in that space that is owned by #74.  
85 She sold #72, and it is owner occupied. That owner rents the other unit. Access in the back off Orange  
86 St. Three parking spaces in the front on the left side of that double wide drive.

87 J. Plourde said he listened to the testimony and why this applicant was in front of them. It was about  
88 expansion of a non-conforming use. Required a Special Exception to expand.

89 R. Costantino asked if the third floor rooms weren't included originally because of the emergency exit  
90 issue?

91 A. Bellamy said she didn't know. There was a letter in the building department file saying they were not  
92 to be used as bedrooms. She went through the file with Robin [Zoning Administrator]. History of the  
93 two owners of the property before her didn't say.

94 R. Costantino said she put ladders in for emergency exit.

95 A. Bellamy said yes. Building was complete when she bought it.

96 M. Thornton asked about a rest room.

97 A. Bellamy said not on the third floor. In one unit, one on second floor. One has one bath and one has  
98 two baths.

99 J. Plourde wanted to know if she was looking to separate that third floor for another tenant.

100 A. Bellamy said no. No access; not feasible to make an access.

101 R. Costantino asked if the ladders unfolded.

A. Bellamy said yes. They are mounted under the windows. There is cover that pops off and you can lower it within a couple of feet of the ground. She bought them extra long to be sure.

J. Plourde then went through the criteria for Special Exception. Re #1, the property is similar to those in the area. A. Bellamy had said she went around the streets for multi-families. Re #2, the specific site is an appropriate location, she was not changing anything outside. Just trying to place everything in conformance with the ordinance.

A. Bellamy said yes.

J. Plourde said he was glad she checked with Capt. Smedick. That was going to be one of his questions.

A. Bellamy said she had thought she was done.

J. Plourde said re #3, the use would not adversely affect the adjacent area, nothing was changed?

A. Bellamy said it didn't make it an appropriate accessory.

J. Plourde, re #4, no nuisance or hazard to vehicles or pedestrians. No change. Re #5, adequate appropriate facilities. They already had facilities available that totaled six cars. Consistent with other residences along that stretch of road.

J. Plourde asked for any other questions or comments from the Board.

M. Thornton asked if there were to be additional people from the same family using the extra room, did she see an increase in number of vehicles/traffic?

A. Bellamy said that was possible, but the left-hand unit already qualified as three bedroom as it is, because someone before her designated the dining room as a bedroom; it had a closet. They reconfigured it and instead of putting in an extra bath they put in an extra bedroom. Her tenants use it as a playroom for the kids. Could see where it could happen with teenagers. But there are three cars per unit and most in the area have two cars. She didn't see a problem. Right side had three cars because they had a woman, a man, and a teen, and they had three cars. They all fit. No parking on that side of the street. They all fit and juggled and moved for the plows and moved back in.

J. Plourde asked for any other questions. None. He opened public comment. None. He closed public comment. He asked for any further questions on the criteria before voting.

R. Costantino was not seeing why the Board was involved.

J. Plourde said it was just because it was a non-conforming use.

R. Costantino said nothing was really changing.

J. Plourde agreed.

R. Costantino didn't see any issue.

K. Lagro said it was just a paperwork issue.

M. Thornton said he also wondered why they were leased as non-rentable rooms. Couldn't see a reason other than evacuation.

J. Plourde thought she had taken all precautions for safety measures. Commended her for reaching out to the Fire Dept. He asked if there was anything else to bring up. Nothing.

J. Plourde moved on to vote on the Special Exception:

**VOTE: On Special Exception:**

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

**K. Lagro – yes**

**W. Campbell – yes**

**R. Costantino – yes**

**M. Thornton - yes**

**J. Plourde – yes**

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

**M. Thornton – yes**  
**R. Costantino – yes**  
**W. Campbell – yes**  
**K. Lagro – yes**  
**J. Plourde – yes**

J. Plourde said the criteria for special exception were satisfied and the application was approved. He reminded applicants of the 30-day appeal period.  
A. Bellamy asked if she would receive something in the mail after the 30 days.  
J. Plourde said no  
A. Bellamy asked if the Building Dept. would send something.  
J. Plourde said she could check with Robin Lunn in that office as to the next step.