

**Town of Milford  
Zoning Board of Adjustment  
September 20, 2018  
Case #2018-27  
Kevin Dery  
Special Exception**

: Steve Bonczar, Chair  
Jason Plourde, Vice Chairman  
Joan Dargie  
Rob Costantino  
Karin Lagro, Alternate  
Tracy Steel, Alternate  
Robin Lunn, Zoning Administrator

Absent: Michael Thornton  
Wade Scott Campbell, Alternate  
Laura Dudziak, Board of Selectman Representative

Secretary: Peg Ouellette

Kevin Dery, for property located at 685 Mason Rd., Milford, NH, Tax Map 40, Lot 93, in the Residential R district, is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.6 to allow for the conversion of existing living space into an Accessory Dwelling Unit.

**APPROVED December 12, 2018**

Steve Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. He explained that the rules allow for a 10 p.m. adjournment. Any cases not heard would be re-scheduled to a date and time certain. There would be no further notice to applicant or abutters for cases continued to a date, place and time certain. There being one Board member absent, he asked to seat Tracy Steel, Alternate, as fully participating and voting member. All in favor. (Alternate K. Lagro in attendance & could participate in discussion, but not vote)

S. Bonczar read the notice of hearing and invited the applicant to present the case.

K. Dery came forward. He said he wanted to convert a portion of an already finished basement at 683 Mason Rd. – he said 683 was the correct address, not 685. There was a typo on the notice of hearing.

J. Plourde said the address in the application was correct, but our form was not.

K. Dery said he had a permit application in place for adding bath and small storage area.

S. Bonczar asked the Board, in reviewing the application with regard to the ADU, were there any issues or questions for the applicant re all the criteria required for an ADU?

J. Dargie said it was connected to the main living area and under 750 SF.

K. Dery said that was correct.

S. Bonczar said it was adding a bathroom. No change to the original septic.

K. Dery said he wasn't adding an additional bedroom. It was a three-bedroom house and will be a three-bedroom.

J. Plourde said, looking at the layouts of the plan before and after, to make sure he understood the location of the family room and the third bedroom and third bathroom.

J. Dargie said it would still be a living room.

K. Dery pointed out on the plan the bedroom still there and family room still there and pointed out the proposed bathroom and what would change.

S. Bonczar asked, re Sec. 10.02.6, for ADU Sec. A 1. a. through k., did all members feel that what was in the application and the additional information the applicant had just provided, there were no issues with regard to those criteria. Application appeared to meet all those conditions?

K. Lagro, J. Plourde, J. Dargie, T. Steel said yes.

R. Costantino said the property was isolated and would not affect neighbors. No impact to anybody.

J. Plourde asked if the access to the ADU for all intents and purposes – no entry way to the outside. One to the garage and one to be able to go upstairs.

K. Dery said right. Both windows in family room and bedroom downstairs were approved egress.

S. Bonczar said that wasn't a requirement for this Bd. but could be for the building department.

S. Bonczar asked for any other questions. None. He opened public comment. None. He closed public comment. He said everybody agreed that Sec. 10.2.6.A.1.a.-k. pretty much met by the applicant and they could proceed to voting. He quickly went over the criteria.

**1. Was the proposed use similar to those permitted in the District?**

R. Costantino said an ADU was allowed in the district.

S. Bonczar agreed. It was similar to those in the district.

Others agreed.

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

All agreed it was.

J. Dargie said the only change was adding a bathroom and a kitchen

**3. Would the use as developed not adversely affect the adjacent area?**

J. Plourde said they were not changing the[ number of] bedrooms.

All agreed it would not adversely affect adjacent area.

**4. There will be no nuisance or serious hazard to vehicles or pedestrians.**

All agreed there would be none.

R. Costantino said there was no change.

**5. Adequate appropriate facilities will be provided for the proper operation of the proposed use.**

All agreed.

S. Bonczar said they weren't adding bedrooms, so the current septic would be adequate.

S. Bonczar said it appeared to meet the criteria for an ADU.

He asked for any further questions on the criteria before voting.

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

**VOTE: On Special Exception:**

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

**J. Dargie – yes**  
**R. Costantino – yes**  
**T. Steel - yes**  
**J. Plourde – yes**  
**S. Bonczar - yes**

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

**J. Plourde – yes**  
**R. Costantino – yes**  
**J. Dargie – yes**  
**T. Steel – yes**  
**S. Bonczar - yes**

S. Bonczar said the criteria for special exception were satisfied and the application was unanimously approved with no conditions.. He reminded applicants of the 30-day appeal period.