

**Town of Milford  
Zoning Board of Adjustment  
January 18, 2018  
John & Amy Herner  
Special Exception**

Present: Steven Bonczar, Chair  
J. Plourde, Vice Chair  
Joan Dargie  
Rob Costantino  
Wade Scott Campbell, Alternate  
Tracy Steel, Alternate  
Robin Lunn, Zoning Administrator

Absent: Michael Thornton  
Karin Lagro, Alternate  
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

**Case #2017-28**

John and Amy Herner, for property located at 72 Ball Hill Road, Milford, NH, Tax Map 52, Lot 3, in the Residential R district, is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.6 to allow a 600 square foot Accessory Dwelling Unit above a new detached two-car garage.

**APPROVED March 1, 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 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, seconded by J. Plourde. Wade Scott Campbell was present as a non-voting alternate; he could participate in the deliberation but not vote.

S. Bonczar read the notice of hearing and invited the applicants to come forward and explain what they wanted to do.

John and Amy Herner came forward. They were asking to put an Accessory Dwelling Unit (ADU) at their property, which property was their primary dwelling. ADU would provide a residence for his mother-in-law whose health had declined.

S. Bonczar asked for any further details they wanted to state.

J. Herner said the property was 5 acres. Had rough outline of where they wanted building situated. Septic design included in the submitted application; had since received NH DES (Dept. of Environmental Services) approval for that septic design – approval of construction.

S. Bonczar said the application was for a new two-car garage with the ADU above the garage. Building & Planning office had gone over various criteria for ADU and it appeared all of those were met, based on the application. He asked for questions from the Board.

J. Plourde said he reviewed the application & special exception criteria.. Everything satisfied. Saw nothing to hold it from moving forward.

J. Dargie asked for clarification of discrepancy of figures (for ADU size) – one said 36 x 20. She assumed the 23 x 21 was the garage? Was it the hand-drawn one?

J. Herner said all those were approximate. Very rough, but a fair representation of what was anticipated. He had not hired an architect yet. Plan will stay within the less than 750 SF requirement.

S. Bonczar read Sec. 10.02.6 of the Zoning Ordinances re Accessory Dwelling Unit. He said, based on the application, they met those ADU criteria. As stated, this was 600 SF but one was not allowed to be more than 750. A little buffer if the garage grew a bit.

R. Costantino it was detached. so few restrictions that didn't apply.

J. Plourde said, like the doorway width.

R. Costantino also mentioned the common wall.

S. Bonczar & J. Plourde agreed. S. Bonczar asked for any further questions from the Board. None. He opened the meeting for public comment. None. He said it sounded like no one found issues with either the application or testimony re the ADU and ADU criteria. Appeared plan met all those specific to an ADU. He mentioned R. Costantino's point that doorway and common wall between residence and ADU didn't exist because this was a detached building. Anything else?

J. Plourde said the plan said 600 SF ADU but based on the notice of hearing, but some information, said 624 SF. It could vary. Wanted approval to be based on it being less than 750 SF so they weren't holding them to 600 or 624 SF, because it could vary.

R. Costantino said he drove by and saw no issues that would be problematic to neighbors. J. Plourde commented it was so far off the road.

S. Bonczar closed public portion of the hearing.

S. Bonczar asked if that needed to be a condition.

J. Plourde said only because of the discrepancy. J. Dargie said per the regulation, can't be more than 750. They have to rely on plan.

J. Plourde questioned whether they were approving the number in the plan or shown in the application. Suggested stating that as long as it was within 10.02.6.A.1.c, without holding them to any one specific (number of feet).

S. Bonczar said approval didn't restrict the size to 600 SF but must meet criteria in 10.02.6.A.1.c. Proposed condition would be only a clarification. Did J. Dargie agree? He understood J. Plourde's point

J. Dargie said as long as it was just that. Would be easier to say in its final form it would not exceed 750 SF.

J. Plourde agreed with that.

J. Dargie said everything else was fine. If they decided to move it to another place, applicants would have to come back. J. Plourde agreed.

S. Bonczar moved for a condition: **ADU shall not exceed 750 SF gross floor area.**

**Motion on condition:**

**J. Plourde so moved.**

**J. Dargie seconded.**

**All in favor.**

103 S. Bonczar said they would move forward with that condition in place. He proceeded to a vote on the  
104 Special Exception.

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107 **VOTE: On Special Exception with the Condition:**  
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109 **1. Is the Special Exception allowed by the ordinance?**  
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111 **R. Costantino – yes**

112 **J. Dargie – yes**

113 **J. Plourde – yes**

114 **T. Steel – yes**

115 **S. Bonczar - yes**  
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117 **2. Are all the specified conditions present under which the Special Exception may be**  
118 **granted?**  
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120 **T. Steel – yes**

121 **J. Dargie – yes**

122 **R. Costantino – yes**

123 **J. Plourde – yes**

124 **S. Bonczar - yes**  
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126 S. Bonczar said the application was unanimously approved and reminded applicant of the 30-day appeal  
127 period.