

**Town of Milford
Zoning Board of Adjustment
April 5, 2018
Case #2018-12
Sarah Lemely
Special Exception**

Present: Steven Bonczar, Chair
Michael Thornton
Rob Costantino
Wade Scott Campbell, Alternate
Tracy Steel, Alternate
Robin Lunn, Zoning Administrator

Absent: Joan Dargie
Jason Plourde, Vice Chair
Karin Lagro, Alternate
Laura Dudziak, Board of Selectmen Representative

Secretary: Peg Ouellette

Case #2018-12

Sarah Lemely, for the property located at 229 Stable Road, Milford Tax Map 49, Lot 3-14 in the Residential R District, is seeking a Special Exception of the Milford Zoning Ordinances per Article V, Section 5.04.2.A.3 to allow for a home occupation for teaching Spanish to not more than 8 children between the ages of 5 and 10

APPROVED May 3, 2018

Steven Bonczar, Chair, opened the meeting and introduced the Board members. Two regular members were absent, so the Alternates, T. Steel and W. Campbell were seated as voting members. He informed all of the procedures of the Board. He read the notice of hearing and invited the applicant to present her case.

S. Lemely came forward. She wanted to teach introductory Spanish classes of about 8 to 10 kids, maybe about an hour to two to three times a week. Recently heard that children here don't start learning foreign language until middle school. Learning was easier when younger. It helped with brain functions. She was currently a Grade One tutor. She found her current students were interested in learning Spanish.

S. Bonczar asked Bd. members for questions.

R. Costantino asked if she said it would be one hour for one group on those nights.

S. Lemely said yes, looking at 4:15 to 5:15.

R. Costantino asked if it would be one class per evening.

52 S. Lemely said yes.
53 S. Bonczar, referred to her response to B. in the application regarding appropriate location, where she said
54 the site would not be open to the public but only to enrolled students. Question: When she said not open
55 to the public, she meant no one off the street?
56 S. Lemely said there would be no signage. Her residence was down a drive that couldn't be seen from the
57 road. Will not be signage at road level. No current plan to do anything in front of her house. Everybody
58 would have to enroll, not drop in.
59 S. Bonczar asked if there was adequate parking and turnaround in the drive.
60 S. Lemely said yes. It was shared with a neighbor, who was there supporting this.
61 S. Bonczar asked for any further questions from Bd.
62 T. Steel and W. Campbell questioned if it had a turnaround.
63 S. Bonczar said it appeared to have enough space by the garage to back in and back out. Any other
64 questions re criteria for home occupation re what the applicant said and the application?
65 M. Thornton said in Description of Property [in application] it was a single family residence with 1,940
66 SF on 2.7 acres and on Special Exception form, it said classes would be held indoors and it was less than
67 15 percent of gross footage of the home which is 3,425 SF. Which was it?
68 S. Lemely said the 1,940 was the living area. The 3,425 was the gross area including the garage and
69 deck.
70 S. Bonczar asked if anything else.
71 W. Campbell said the application stated indoors lasting a max of 60 minutes and during hours of 4 to 6,
72 not when students get there?
73 S. Lemely didn't know whether it would be 4 to 5 or 5 to 6.
74 S. Bonczar said not in summer?
75 S. Lemely said correct.
76 S. Bonczar asked for any further questions/comments. None. He opened the meeting for public
77 comment.
78 Sue Boore of 231 Stable Rd came forward, saying she had the adjoining driveway. No problem with this,
79 even if they have to stop at her side. They put their pickup there. Have ample for cars.
80 S. Lemely said she was doing a service for community because children starting at an early age for
81 language do better.
82 S. Bonczar asked for any further questions from the Bd.
83 T. Steel asked, with no advertising, how would she line up students?
84 S. Lemely said mainly through Facebook. Most will be people she knew or had a good feel for already,
85 and people who knew people she knew.
86 S. Bonczar closed public comment. He read Sec. 10.02.3 criteria for home occupation and asked if any
87 members had issues to discuss on those five. Re #1, he felt that was met. All agreed. Re #2, he felt the
88 applicant stated that. Even though there were acceptable signs of certain dimensions, she was not
89 planning to have signs outside. Re #3, not exceeding 25percent of combined gross floor area, etc., M.
90 Thornton said there was a bit of confusion because home occupation application on #3 said the basement
91 of the dwelling which was 504 SF, which was less than 15 percent. Confusion about what was allowed.
92 S. Bonczar said it would still be less. M. Thornton agreed. Re # 4, re accessory finished goods,
93 S. Bonczar didn't think that was applicable to this. Re #5, S. Bonczar didn't hear anything that
94 contradicted that.
95 R. Costantino said it was pretty isolated.
96 S. Bonczar said with drive and adequate turnaround there will be no nuisance and will not change much.
97 The use that the applicant described was minimal. Not talking about all day. Other members agreed.
98 S. Bonczar moved on to discussion of criteria for special exception:
99
100

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

102 S. Bonczar asked if any Bd. member felt that was not the case? None.

103
104 **B. Is the specific site an appropriate location for the proposed use?**

105 All agreed it was.
106

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

108 R. Costantino said it was isolated.

109 S. Bonczar said the impact was minimal
110

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

112 M. Thornton said it was way off the road.

113 Others agreed.

114 T. Steel said the drive had parking.

115 S. Bonczar said the drive was long enough with space to turn around. Not turning around
116 down by the road. Number of students not great.

117 W. Campbell agreed, impact.

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

120 R. Costantino said yes.

121 S. Bonczar said he didn't disagree.

122 W. Campbell said yes.
123
124

125 S. Bonczar moved on to vote on the Special Exception:
126

127 **VOTE: On Special Exception:**
128

129 **1. Is the Special Exception allowed by the ordinance?**
130

131 **T. Steel – yes**

132 **W. Campbell – yes**

133 **R. Costantino - yes**

134 **M. Thornton – yes**

135 **S. Bonczar - yes**
136

137 **2. Are all the specified conditions present under which the Special Exception may be**
138 **granted?**
139

140 **M. Thornton – yes**

141 **R. Costantino – yes**

142 **T. Steel – yes**

143 **W. Campbell – yes**

144 **S. Bonczar - yes**
145

146 S. Bonczar said based on the voting the criteria for special exception were satisfied and the application
147 was unanimously approved. He reminded applicants of the 30-day appeal period.