

**Town of Milford
Zoning Board of Adjustment
July 19, 2018
Case #2018-21
Mark McNulla
Special Exception**

Present: Steven Bonczar, Chair
Jason Plourde, Vice Chair
Michael Thornton
Rob Costantino
Karin Lagro, Alternate
Tracy Steel, Alternate
Wade Scott Campbell, Alternate
Laura Dudziak, Board of Selectmen Representative (in audience)

Absent: Joan Dargie
Robin Lunn, Zoning Administrator

Secretary: Peg Ouellette

Case #2018-21

Mark McNulla, for the property located at 79 Woodhawk Drive, Milford NH, Tax Map 51, Lot 1, 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 an attached Accessory Dwelling Unit in a new single family dwelling.

APPROVED September 20, 2018

S. Bonczar, Chair, opened the meeting and introduced the Board members. He informed all of the procedures of the Board. One Board member was absent. M. Thornton moved to seat T. Steel, Alternate, as a voting member. Seconded by R. Costantino. All in favor.

S. Bonczar read the notice of hearing and asked if the applicant was present.

John Grossie said he was there representing the applicant, Mark McNulla.

S. Bonczar invited him to present the case.

J. Grossie said the plan was to finish the basement as a bedroom for M. McNulla's mother-in-law. The application stated 730 SF but it was actually 680, more or less. Three entrances: from the outside, from the garage and the stairway. This would be the fourth bedroom. Septic designed with ADU provision. Whole house shared one electrical metering access from all over the house. Nothing to outside needed to be changed. Four-car garage; mother-in-law doesn't drive. No additional vehicles.

S. Bonczar asked if it was owner occupied.

J. Grossie said yes. He had plans with the layout. J. Plourde said they had those plans.

J. Grossie said they had septic plans.

J. Plourde asked if those were submitted.

J. Grossie said with the original plans.

J. Plourde said that was the original case a month or so ago.

J. Grossie said yes.

S. Bonczar asked for questions from the Board.

R. Costantino asked if construction had begun.

J. Grossie said it was in process.

S. Bonczar said he had questioned at initial look at the ordinance which said it was multiple entrances. In this case there were two of them within the house and one to the exterior. It was under the 750 SF specified in the ordinance for an ADU. He went through each of the criteria in Section 10.02.6A.1:

- a. Only one ADU shall be allowed per property:

No objections.

- b. The primary dwelling unit shall be owner occupied:

All agreed that was true.

- c. An ADU shall not exceed 750 SF gross floor area space:

J. Plourde wanted to make sure they approved it based on this criteria.

S. Bonczar said it didn't matter; It was under 750 SF in the application.

J. Grossie said 735 SF.

S. Bonczar said they were approving what was in the application. Still has to meet the 750 SF. Didn't think they had to call out a specific number.

J. Plourde said he was trying to say that since there was conflicting information presented (in application vs. testimony), they should be looking to approve the project to be less than the 750 SF criteria without a specific square footage to make sure there was no confusion.

S. Bonczar said they were approving what was on the application.

M. Thornton said the larger number.

S. Bonczar agreed. It still met the criteria.

- d. The ADU shall include no more than one bedroom.

This was one bedroom.

All agreed.

- e. No additional curb cuts shall be allowed.

No change.

All agreed.

- f. An attached ADU shall have and maintain at least one common interior access between the principal dwelling structure and the ADU, etc.

S. Bonczar said there were multiple accesses, meeting the criteria. No disagreement.

- g. An ADU shall be located in an existing or proposed single-family dwelling or as stand-alone dwelling unit subordinate to the single-family dwelling.

All agreed this was located in a proposed single-family dwelling.

- i. An existing, nonconforming, single-family residential structure or its detached accessory structure shall not be made more nonconforming.

S. Bonczar said this was a single-family structure being constructed. This didn't apply.

Others agreed.

- j. An ADU shall meet all applicable local and State building, fire and health safety codes.

S. Bonczar said this was a new house; sure it met those.

S. Bonczar asked for questions from the board. None. Regarding adequate water and sewage disposal, he said it was approved for a fourth bedroom and this ADU was the fourth one in the house.

J. Grossie said that was correct.

R. Costantino commented there was adequate parking and it was mentioned that she didn't drive but in case someone else occupied that, there was still adequate parking.

There being no other questions from the Board, S. Bonczar opened public comment. None. He closed public comment and moved on to discussion of the Special Exception criteria.

1. Is the proposed use similar to those permitted in the district?

No comments to the contrary from the Board.

S. Bonczar said ADUs were allowed in Residential R.

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

No issues raised.

S. Bonczar said the plans were well laid out, and it was new construction.

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

No issues raised.

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

R. Costantino had brought up adequate parking and person residing in this ADU didn't drive. If that were not the case in the future they were still good.

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

No issues raised.

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

VOTE: On Special Exception:

1. Is the Special Exception allowed by the ordinance?

J. Plourde – yes

M. Thornton – yes

R. Costantino – yes

T. Steel - yes

S. Bonczar - yes

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

T. Steel – yes

M. Thornton - yes

R. Costantino – yes

J. Plourde - yes

S. Bonczar - yes

S. Bonczar said due to the voting, the criteria for special exception were satisfied and the application was unanimously approved. He reminded applicant's representative of the 30-day appeal period.

There being no further business, T. Steel made a motion to adjourn.

R. Costantino seconded.

All in favor.

Meeting adjourned at 7:15 p.m.