

**Town of Milford
Zoning Board of Adjustment
June 6, 2019
Case #2019-09
Barton Murphy
Special Exception**

Present: Steve Bonczar, Chair
Joan Dargie, Vice Chair
Michael Thornton
Rob Costantino
Wade Scott Campbell, Alternate
Tracy Steel
Karin Lagro, Alternate

Lincoln Daley, Director of Community Development
Paul Dargie, Board of Selectmen Representative

Absent:

Secretary: Peg Ouellette

Barton Murphy, for the property located at 65 Valhalla Drive, Milford, NH, Tax Map 36, Lot 71, in the Residential A district is seeking a Special Exception of the Milford Zoning Ordinances per Article X, Section 10.02.6 to allow for an Accessory Dwelling Unit located in a 24' x 32' detached accessory structure.

APPROVED 6/20/19

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

1 S. Bonczar, Chair opened the meeting and introduced the Board members. He informed all of the
2 procedures of the Board. He said they had one new case on the agenda and one case which was
3 continued from the previous meeting. He stated that all regular members were present, so there was no
4 need to appoint an alternate. He read the notice of hearing and invited the applicant to present the case.
5 Barton Murphy, the applicant, came forward. He said he wanted to build a dwelling for his mother-in-
6 law. Will be replacing a 16 x 18 ft. shed that was there and had been taken down. Will be a deck off the
7 back of the house. He had a survey with measurements. He thought it would look nice and fit well in the
8 neighborhood. He had the builder there to answer any questions.
9 S. Bonczar referred to pictures in the application showing the location and application said it was within
10 all setbacks. He asked where it would be in reference to the home.
11 M. Thornton said left and back.
12 B. Murphy said from the middle of the drive behind the structure. [it was pointed out on the slide picture
13 on the projector] it will go behind the house.
14 J. Dargie asked about the shed.
15 B. Murphy said that was gone.
16 M. Thornton asked about trees.
17 B. Murphy said there was one in the front, three that line the drive and an oak beyond the shed coming
18 out.
19 S. Bonczar said he will have a garage bay.
20 B. Murphy said it would line up with the drive.
21 M. Thornton asked if the dwelling was the same dimension as the garage.
22 B. Murphy said it was larger.
23 M. Thornton said he multiplied 24 x 32 and got 76.
24 B. Murphy said it was 32 ft. back. Dwelling would be on right side of garage and behind it.
25 M. Thornton asked if it would be one level.
26 B. Murphy said right. Same roof line.
27 S. Bonczar pointed out in the application. About width of narrow two-car garage. ADU didn't require 18
28 ft. for garage.
29 R. Costantino said it didn't reach the setback on the left end.
30 B. Murphy said they didn't realize the shed wasn't built the correct way. 15 ft. off the side. Someone
31 built it. They were doing 15 ft. off both sides.
32 R. Costantino said applicant mentioned it was a little into the setback. That wasn't completely accurate.
33 B. Murphy said he was looking at shed. Will flow toward drive.
34 R. Costantino said there was a five to six car parking area. What was the plan?
35 B. Murphy said currently they could fit three cars side by side.
36 R. Costantino said two rows by three?
37 B. Murphy said yes. Could do more, but they didn't want to.
38 R. Costantino said it would be difficult to swap cars.
39 B. Murphy said they didn't have that many cars.
40 R. Costantino asked if applicant had spoken to his neighbors.
41 B. Murphy said his neighbor to the right had just bought the house and he hadn't met them. The one on
42 the left passed away recently.
43 S. Bonczar asked for any other questions from the Bd.
44 R. Costantino had a comment about the setback. He had looked at GIS but there were other houses
45 around that were within the setbacks or buildings in the setback or close. The lots were very small.
46 B. Murphy said he wasn't looking to build some monstrosity. They looked at other houses to see what
47 they had and stuck to those dimensions. Will be a small structure.
48 S. Bonczar said it looked like a two-car garage. It had a window, but could have a garage door.
49 B. Murphy said they wanted to build it in a way that they could transfer it back to a garage if they decided
50 to sell.
51 M. Thornton said it looked like less than 500 SF of living space.

1 B. Murphy said he hadn't done the math.
 2 M. Thornton said it was 492.
 3 S. Bonczar asked for other questions from the Bd. None. He opened the meeting for public comment.
 4 Shane Vetrano of 70 Wellesley Drive came forward. He said he lived behind it. The ordinance allows 15
 5 ft. from the property. As long as it was, he didn't have a problem. He had kids and sometimes they were
 6 a little loud – pool parties – but they toned it down at night.
 7 S. Bonczar said based on this application he was within the setbacks, so he did have to come in for that.
 8 B. Murphy thanked S. Vetrano for looking at that shed for a long time.
 9 R. Costantino asked if there was a fence separating them.
 10 S. Vetrano said yes.
 11 M. Thornton said he had heard the fence was coming down.
 12 B. Murphy said the fence in the picture.
 13 S. Bonczar said the fence in the setback.
 14 S. Vetrano said the original was exactly 15 ft. off and somebody built an addition.
 15 David Veilleux, the builder, came forward. He said they were having a survey and plot plan done, which
 16 they should be getting by the middle of next week. They will be coming with 4 ft footing to make sure it
 17 met requirements. Garage structure will be similar to roof lines and sheds within the neighborhood. Will
 18 add to the property and not take away.
 19 S. Bonczar said they could put a two-car garage there. It looked in keeping with the neighborhood now.
 20 T. Steel asked about the door. Would that be a stair into the property or was it a separate entrance? She
 21 pointed out the garage door and stair and door. Will that be external?
 22 W. Campbell asked if any entrance to the garage.
 23 D. Veilleux said no.
 24 M. Thornton said it might be good to consider one because of whether it was being built for an older
 25 person.
 26 S. Bonczar asked for any other comment. None. He closed the public comment.
 27 S. Bonczar proceeded to discussion of the criteria for special exception.
 28
 29

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

31 J. Dargie said it was similar to those in the district. It was a garage proposed for an ADU
 32 which was allowed.
 33 K. Lagro said a lot of effort had been made to make sure.
 34 S. Bonczar agreed. ADU requirements were met and they were allowed in that district.
 35

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

36 M. Thornton said it was at the end of the drive and would be partially garage and partially
 37 dwelling. It was the only logical place for it.
 38 S. Bonczar agreed. Based on the design, it sat within the setbacks. Now it would blend
 39 into the neighborhood.
 40
 41

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

42 T. Steel and K. Lagro said no.
 43 S. Bonczar said the structure was no greater than a two-car garage.
 44 J. Dargie said it had been over the setback, so it was bringing it into conformance.
 45 S. Bonczar said an ADU was allowed and it was conforming with those requirements.
 46 Everyone agreed.
 47
 48

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

49 M. Thornton couldn't see any.
 50 J. Dargie said none. He could have a two-car garage and it would be more.
 51

1 Others agreed.
2 S. Bonczar said the drive looked adequate if there was an extra car.
3
4 **5. Adequate appropriate facilities will be provided for the proper operation of the proposed**
5 **use.**
6 J. Dargie said if they met the requirement and regulations, and they will be inspected.
7 S. Bonczar agreed. The building would go through the same approval process as any
8 other building going up in town.
9
10 S. Bonczar asked for any other comments. None.
11
12 S. Bonczar moved on to vote on the Special Exception:
13
14
15 **VOTE: On Special Exception:**
16
17 **1. Is the Special Exception allowed by the ordinance?**
18 T. Steel – yes
19 M. Thornton – yes
20 R. Costantino – yes
21 J. Dargie –yes
22 S. Bonczar – yes
23
24 **2. Are all the specified conditions present under which the Special Exception may be**
25 **granted?**
26 J. Dargie – yes
27 T. Steel – yes
28 R. Costantino – yes
29 M. Thornton – yes
30 S. Bonczar – yes
31
32 S. Bonczar said, based on the vote the criteria for Special Exception were unanimously satisfied and the
33 application was unanimously approved without any conditions. He reminded applicant of the 30-day
34 appeal period.
35 K. Lagro commented that she appreciated the level of detail in the application. Others agreed.
36 S. Bonczar asked if there was any other business.
37 R. Costantino said he had two issues. Is the information on the web site? He couldn't find it. The Town
38 web site was brought up on the projector and calendar pointed out. R. Costantino mentioned that the first
39 Thursday in July was July 4.
40 S. Bonczar aid on the calendar the meetings were July 11 and July 18.
41 L. Daley said they would have a meeting on July 11 as opposed to July 4.
42 K. Lagro pointed out that the wrong Bd. of Selectman representative in minutes. Others said that had
43 been discussed.
44 There being no other business before the Bd., R. Costantino asked for a motion to adjourn.
45 M. Thornton seconded.
46 All in favor.
47 Meeting adjourned at 7:25 p.m.