

Town of Milford
ZONING BOARD OF ADJUSTMENT
MAY 16, 2024
Public Hearings

Case #2024-04 Robert and Micaela Zwicker, 30 Summer Street, SPECIAL EXCEPTION

Present: Joan Dargie, Vice Chair
Michael Thornton, Member
Dan Sadkowski, Member
Tracy Steel, Member
Rich Elliott, Alternate
Camille Pattison, Director of Community Development

Not Present: Andrea Kokko Chappell, Chair

Recording Clerk: Jane Hesketh, Community Development

MEETING AGENDA

1. Call to Order
2. Mtg. Minutes Approval: None to Approve
3. Public Meetings:
 - a. Case #2024-04- Special Exception Request for Accessory Dwelling Unit (ADU) The applicants, Robert and Micaela Zwicker, are seeking approval of a required Special Exception in regards to the Milford Zoning Ordinance, Article V, Section 5.02.2A.13 (ADU Special Exception requirements within the lot's Residence "A" Zoning District), and Section 10.02.6 (General Criteria for ADU's), for their existing residential property located @ 30 Summer Street, Milford Tax Map 22, Lot 90-1. The proposed one (1) bedroom ADU request is to approve a 640 square foot (lower) first floor level ADU to be constructed internal to the existing home, with a separate lower-level walk-out.
4. Other Business: TBD
5. Next Meeting(s): June 6, 2024, 2024 and June 20, 2024

1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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4 **1. CALL TO ORDER**

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7 Vice Chair Joan Dargie, stepping in as Chair for Andrea Kokko Chappell opened the meeting by welcoming everyone and introducing herself. The Chair welcomed those attending in person and electronically.

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10 The Chair stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room.

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13 If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 82217686560 and Password: 568170 or log in via www.zoom.com using the Meeting ID and Password previously stated.

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16 A digital copy of the meeting materials can be found on the Town website at:
17 <http://www.milford.nh.gov/zoning-board-adjustment/agenda/zba-agenda>.

18 We will be live streaming this meeting on Granite Town Media, Government Channel 21:
19 <http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2>.

20
21
22 Roll call attendance with all present at Milford Town Hall: D. Sadkowski; R. Elliott; M. Thornton; T. Steel, J. Dargie. Chair stated alternate member Rich Elliott will be acting as a full voting member for this meeting.

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24
25 Chair explained the process for the case hearings. The Chair said a full agenda may not allow all cases to be heard and that at 10:00 p.m. the meeting will end. The Chair explained how the meeting would proceed for the cases that may not be heard in that they would be continued or tabled to another agreed upon meeting; also explained was the process for public notification.

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28 J. Dargie first moved to the case to be heard.

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33 **2. MEETING MINUTES**

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35 None to approve.

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38 **3. PUBLIC MEETING**

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41 **a. Case #2024-04** Special Exception Request for Accessory Dwelling Unit (ADU) The applicants, **Robert and Micaela Zwicker**, are seeking approval of a required **Special Exception** in regards to the Milford Zoning Ordinance, Article V, Section 5.02.2A.13 (ADU Special Exception requirements within the lot's Residence "A" Zoning District), and Section 10.02.6 (General Criteria for ADU's), for their existing residential property located @ **30 Summer Street, Milford Tax Map 22, Lot 90-1**. The proposed one (1) bedroom ADU request is to approve a 640 square foot (lower) first floor level ADU to be constructed internal to the existing home, with a separate lower-level walk-out.

42
43
44 The applicants were invited to join the committee at the table. Robert and Micaela Zwicker came forward.

45
46
47 Mr. Zwicker started by saying the plan is to construct a one bedroom ADU in their walk out basement. It is currently unused space that is partially finished. The reason for this is that with the housing situation as it is, this unit will provide additional affordable housing for the community.

1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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3 **3. PUBLIC MEETING**

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6 **a. Case #2024-04**

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8 The Chair asked the applicants to review the criteria as shown on the application.

9
10 **Special Exception Criteria under 10.02.1:**

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12 **a. Criteria: proposed use is similar to those permitted in the district**

13 “Residence A zoning district permits single family dwellings and their accessory uses and structures. An
14 accessory dwelling unit is an accessory use to a single family dwelling and permitted by the zoning
15 code.”

16
17 **b. Criteria: specific site is in an appropriate location for the proposed use because**

18 “The proposed basement accessory dwelling unit is within the footprint of the existing home. The
19 basement is a walkout with an existing separate entrance in the rear of the home.”

20
21 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

22 “The accessory dwelling unit will not change the appearance of the site. A new stairway and walkways
23 will be added for safe egress to the unit at the rear of the building, as well as a small retaining wall to
24 accommodate a new parking space. These landscape elements will not adversely affect the
25 neighborhood.”

26
27 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

28 “The existing driveway will remain, therefore not creating a nuisance or hazard; additional parking will
29 be provided for the unit.”

30
31 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
32 **proposed use**

33 The proposed work will meet all code requirements called for in 10.02.6 of the zoning code. It will also
34 meet all state and local building codes.”

35
36 The applicant continued by reviewing the criteria for an ADU.

37
38 **Accessory Dwelling Units Criteria under 10.02.6:**

39
40 **1. Is the property going to be Owner Occupied?**

41 Yes

42
43 **2. Has a Building Permit application been made?**

44 No, to be submitted with the building permit application.

45
46 **3. Is the ADU developed in a manner which does not alter the character/appearance of the**
47 **principal use as a single-family residence?**

48 Yes

49
50 **4. Is the ADU intended to be secondary and accessory to a principal single-family dwelling unit?**

51 Yes

1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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3 **3. PUBLIC MEETING**

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6 **a. Case #2024-04**

7
8 **Accessory Dwelling Units Criteria under 10.02.6:**

9
10 **5. Does the ADU impair the residential character of the premises or the reasonable use, enjoyment**
11 **and value of the neighborhood?**

12 No; no imprint or noticeable change to the residence.

13
14 **6. Is there adequate off-street parking?**

15 Yes, two spaces for the single family residence and one space for the ADU.

16
17 **7. Are any additional curb cuts being proposed?**

18 No

19
20 **8. Are all necessary additional entrances or exits located to the side or rear of the building to the**
21 **maximum extent possible?**

22 Yes

23
24 M. Thornton asked if there will be an inter-connective doorway to the main residence.

25 Applicant stated there is a stairway that leads from the home to the basement and there will be a security locked
26 door added. All residents of the home and ADU will have the code in case of an emergency. The applicant did
27 question the need for the Zoning Board to know this and thought it was part of the building inspection.

28 J. Dargie confirmed this is a necessary piece of information the Zoning Board needs for approval.

29 The applicant directed the committee to the site plan to show where the inter-connective doorway will be.

30 The stairs shown on the plan are landscaping stairs and not actual outside stairs to the home.

31
32 Chair asked the applicant to continue with the ADU Criteria.

33
34 **Accessory Dwelling Units Criteria under 10.02.6 additional criteria:**

35
36 **1. Is there adequate sewer/septic and water for the additional inhabitants?**

37 House is on Municipal Town water and sewer which will be sufficient for the ADU.

38
39 **2. Is there only one ADU on the property?**

40 Yes

41
42 **3. Is the ADU no more than 750 square feet gross floor area?**

43 Yes, 640 SF.

44
45 **4. Does the ADU have no more than two bedrooms?**

46 One bedroom.

47
48 **5. If inside the existing dwelling, is there at least one common wall with a door between the two**
49 **spaces at least 32inches wide?**

50 Yes.

51
52 **6. Is there a connecting hallway of at least 36 inches wide?**

53 Yes.

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3 **3. PUBLIC MEETING**

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6 **a. Case #2024-04**

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8 **Accessory Dwelling Units Criteria under 10.02.6 additional criteria:**

9
10 **7. Has a Code Compliance inspection been conducted by Building Inspector?**

11 No, will be performed as part of the Building Application.

12
13 **8. Is the ADU in compliance with section 10.02.6:A of the Milford Zoning Ordinance?**

14 Yes

15
16 The applicant finished the presentation.

17
18 R. Elliott asked about the parking. The applicant stated the current driveway can park 3 cars but it will be
19 expanded. The cars will be able to drive in and back out comfortably.

20
21 D. Sadkowski asked about the abutters. Applicant: we have a good rapport with all the neighbors and they are
22 all aware of the plans.

23
24 Chair asked the board if there were any further questions and there were none. Chair opened the meeting to the
25 public.

26
27 Sarah Sandri, 31 Highland Ave. via Zoom: stated she abuts the applicants in the back of their property.
28 S. Sandri noted she only received notice of this via mail 2 days ago and is present now to learn more.
29 To the applicants: will this be a rental or for family? Applicant noted various relatives they are hoping to create
30 housing for.

31 S. Sandri: if this is approved for Zone A, does this then allow the unit to become a rental in the future if it is not
32 used for family? J. Dargie: all ADU's can be rented. S. Sandri: then this exception will open it up to potential
33 renters. J. Dargie: it must be owner occupied and there must be a shared doorway between the home and the
34 ADU which implies it will be family because you would not want just anyone to have the ability to walk into
35 your home. There is no regulation about renting but emphasized the home has to be owner occupied.

36 S. Sandri: major concern is about opening it up to a short term rental situation; also she noted the issue of
37 density in regards to the size of the lot

38 J. Dargie: there is no lot size requirement for an ADU.

39 There were continued discussions regarding concerns about renting the unit. S. Sandri stated she has no problem
40 with what the applicant is proposing but if family does not live in the ADU the rental situation is a concern. S.
41 Sandri pointed out that if they should sell the home a future owner could rent to anyone. Board members pointed
42 out that an ADU does go with the property when sold.

43
44 Chair Dargie asked if there were any more questions from the public.

45
46 Jen Keating, 27 Highland Ave. via Zoom she is a next door neighbor to Sarah Sandri. Question: there is town
47 property between Sarah Sandri's lot and the applicant's lot that was once a street between Highland Ave. and
48 Summer St. Previous owners built a fence. Just wondering if all the zoning and square footage was taken into
49 consideration.

50 Joan Dargie: the property in question is not part of the applicant's property that is .16 acres. This ADU is
51 included on the owner's property and not the land between the 2 streets. Only the lot that the house is on is
52 being considered and no additional lots.

53 J. Keating continued to question this additional lot owned by the town.

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3 3. PUBLIC MEETING

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6 a. Case #2024-04

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8 J. Dargie: the lot being addressed for the ADU is **Tax Map 22, Lot 90-1**; she is not aware of the town property
9 being questioned by J. Keating. She used the zoning map to point out the lot for the ADU.

10 J. Keating: when she purchased her home on Highland Ave., she was told the property behind her home was not
11 part of her land and it was surveyed as such. She was told the land behind her home was town property and she
12 is not taxed on that land. Over the years, residents have just started using the land. Her property is Tax Map 22,
13 Lot 97. She again stated she has been told she does not own the street wide property behind her home.

14 J. Dargie: it could be an easement, but it is irrelevant to the Special Exception request. She recommended
15 J. Keating meets with someone in Community Development to get more information on the lot behind her
16 home.

17
18 Michael and Kathryn Gann, 28 Summer St. were present at Town Hall and stepped forward to the microphone.

19 M. Gann started by saying he has good relations with his neighbors, the applicants, at 30 Summer St. He
20 continued by saying he wished he had more notice about the plans for this ADU and is in agreement with most
21 of what has been said by the other abutters. He only received notice via mail a few days ago and has not had
22 enough time to fully understand what impact this will have on his property. M. Gann addressed the previous
23 concerns about the ADU occupants being either family or renters. He emphasized what he wants is to
24 understand the proposal, what it will look like and what the impact will be to his property.

25 J. Dargie: she offered Michael Gann to take a copy of the application packet.

26 Kathryn Gann came forward to reiterate what Michael Gann had said.

27
28 Camille Pattison apologized to the abutters for not having received the letters sooner.

29
30 The applicants offered the abutters, and the Gann's to come see them for an explanation of what the project will
31 look like by giving them a visual explanation of the ADU.

32
33 Board Members J. Dargie and M. Thornton provided information on ADU laws for the State of New Hampshire
34 and noted changes may be made to the laws for ADU's as a solution to the current housing shortage in the state.

35
36 Chair asked if there were any further public comments or questions. Hearing none the public portion of the
37 meeting was closed. It was noted at this time no other discussions will be open except for the board members
38 during deliberations.

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40 Chair asked the board if there were any other questions.

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42 T. Steel did question the frontage on the property. Since this is an older lot, J. Dargie stated this does not apply
43 and is grandfathered.

1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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3 **3. PUBLIC MEETING**

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6 **a. Case #2024-04**

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8 **Deliberations:**

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10 **Special Exception Criteria under 10.02.1:**

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12 **a. Criteria: proposed use is similar to those permitted in the district**

13 T. Steel: ADU's are allowed in the district by special exception.

14 D. Sadkowski: it is allowed for a single family home.

15 R. Elliott: agrees

16 M. Thornton: agrees

17 J. Dargie: agrees

18
19 **b. Criteria: specific site is in an appropriate location for the proposed use because**

20 D. Sadkowski: it is within the footprint of the existing house and will have the appropriate access in the
21 rear.

22 R. Elliott: it is the logical place based on the layout of the property.

23 M. Thornton: changes are internal and attached with good access; everything met the check marks.

24 T. Steel: agrees

25 J. Dargie: agrees

26
27 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

28 R. Elliott: does not see how it will be adverse other than a car or 2 on the property; already a walkout
29 present and everything is already in place.

30 T. Steel: no changes to the structure; within the existing footprint.

31 M. Thornton: changes will be invisible.

32 D. Sadkowski: no external changes that will affect the adjacent area.

33 J. Dargie: agrees

34
35 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

36 M. Thornton: nobody should be on private property without authorization

37 J. Dargie: parking is not a problem; it has been addressed

38 D. Sadkowski: existing driveway

39
40 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
41 **proposed use**

42 T. Steel: town water and sewer

43 R. Elliott: will go through the normal inspections

44 D. Sadkowski: complies with the zoning criteria for a special exception

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47 Chair Dargie proceeded to review the ADU Criteria.
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1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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3 3. PUBLIC MEETING

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6 a. Case #2024-04

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8 Deliberations:

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10 ADU Criteria under 10.02.6

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12 1. Only one (1) ADU shall be allowed per property.

13 Yes

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15 2. Either the principal dwelling unit or the ADU must be owner occupied.

16 Yes it will be owner occupied.

17
18 3. The size of an ADU shall be no more than 750 SF gross floor area.

19 It will be 640 SF.

20
21 4. The ADU shall include no more than two (2) bedrooms.

22 Yes; only one.

23
24 5. No additional curb cuts shall be allowed.

25 No curb cuts.

26
27 6. An attached ADU shall have and maintain at least one common interior access between the
28 principal dwelling unit and the ADU consisting of a connector that is a minimum of 36" width or
29 a doorway a minimum of 32" in width.

30 Yes this was discussed and confirmed.

31
32 7. The ADU shall be located in an existing or proposed single family dwelling, its detached
33 accessory structure (s), or as a stand-alone dwelling unit subordinate to the single family dwelling.

34 Yes.

35
36 8. An existing, nonconforming, single family residential structure or its detached accessory
37 structure shall not be made more nonconforming.

38 Yes; discussed it will not make it more nonconforming. .

39
40 9. An ADU shall meet all applicable local and State Building, Fire and Health Safety Codes.

41 Yes, with the building permit and inspection.

42
43 10. Must have adequate provisions for a water supply and sewerage disposal method for the ADU,
44 in accordance with NH RSA 485-a:38 Approval to Increase Load on a Sewage Disposal System.

45 Yes, on Town water and sewer.

46
47 11. The ADU must be developed in a manner which does not alter the character or appearance of
48 the principal use as a single family dwelling.

49 Yes; this was discussed.

50
51 12. The ADU is intended to be secondary and accessory to a principal single family dwelling unit.

52 Yes this was discussed.

1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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6 **a. Case #2024-04**

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8 **Deliberations:**

9
10 **ADU Criteria under 10.02.6**

11
12 **13. The ADU shall not impair the residential character of the premises nor impair the reasonable**
13 **use, enjoyment and value of other property in the neighborhood.**

14 It will not be visible except for landscape stairs.

15
16 **14. Adequate off street parking must be provided.**

17 Yes; this was discussed.

18
19 **15. Any necessary additional entrances or exits shall be located to the side or rear of the building**
20 **whenever possible.**

21 There is an entrance to the rear of the building.

22
23
24 **Voting:**

25
26 **Special Exception Criteria under 10.02.1:**

27
28 **a. Criteria: proposed use is similar to those permitted in the district**

29 M. Thornton yes; T. Steel yes; D. Sadkowski yes; R. Elliott yes; Chair votes yes.

30
31 **b. Criteria: specific site is in an appropriate location for the proposed use because**

32 R. Elliott yes; D. Sadkowski yes; T. Steel yes; M. Thornton yes; Chair votes yes.

33
34 **c. Criteria: the use as developed will not adversely affect the adjacent area because**

35 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; T. Steel yes; Chair votes yes.

36
37 **d. Criteria: no nuisance or serious hazard to vehicles or pedestrians**

38 T. Steel yes; D. Sadkowski yes; M. Thornton yes; R. Elliott yes; Chair votes yes.

39
40 **e. Criteria: adequate and appropriate facilities will be provided for proper operation of the**
41 **proposed use**

42 R. Elliott yes; T. Steel yes; M. Thornton yes; D. Sadkowski yes; Chair votes yes.

43
44 **Is the Special Exception allowed by the Ordinance?**

45 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; T. Steel yes; Chair votes yes.

46
47 **Are all the specified conditions present under which the Special Exception may be granted?**

48 D. Sadkowski yes; M. Thornton yes; R. Elliott yes; T. Steel yes; Chair votes yes.

49
50 Chair stated the criteria for the special exception has been met and the application approved. There is a 30 day
51 appeal period that can be filed with the Zoning Board.

1 MINUTES OF THE ZBA MEETING MAY 16, 2024

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4 4. OTHER BUSINESS

5
6 Chair Dargie introduced a new ZBA Alternate Member; Kevin Oberby. He joined the members at the table.
7 Mr. Oberby explained he has attended 2 meetings. He feels it is a very interesting process and is looking
8 forward to being involved with the town. He noted he does work full time and hopes to attend training sessions.
9 The committee members offered their own experiences and advise. Chair Dargie stated he will be put on the
10 agenda for the BOS who will then appoint him after which he will be sworn in.
11

12
13 **Motion to Adjourn**

14
15 Chair asked for a motion to adjourn. T. Steel made a motion to adjourn and it was seconded by R. Elliott. All
16 Board Members were in favor. Meeting adjourned.
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39 **Motion to Approve:**

40 Joan Dargie

41
42 **Seconded:**

43 R. Elliott

44
45 **Signed**

46 Andrew Chumma

47
48 **Date:**

49 6/20/24
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53