

**Zoning Board of Adjustment  
424 White Mountain Highway  
Milton, NH 03851  
Meeting Minutes  
June 25, 2015**

Members in Attendance: Michael Tabory, Stan Nadeau, Lue Snyder. Also in attendance: Land Use Clerk Dana Smith, Kim Ladisheff

Members not in attendance: Michael Beaulieu and alternate Bruce Woodruff with excuse. Also not in attendance, Larry Brown.

Public Attendance: Jerry Randall, Natasha Randall

Chairman Tabory called the meeting to order at 6:09.

Chairman Tabory offered to reschedule the meeting due to the small board. Randall denied and requested to move forward tonight.

Public comments

None

**Continuation of Case #2015-4; Request for a Special Exception from Article III, Section 3.5 B, to utilize site for a Day Care Facility. Property located at Map 31 Lot 16, 417 Silver Street, Milton, NH in the Low Density Residential Zone.**

Jerry and Natasha Randall were present to represent themselves.

At the last meeting nothing was voted on. Wanted to know if the fire department and police could get input. (K. Ladisheff sent out land use review forms to Highway, Police and Fire department)

Revisiting Randall's intent with the property:

S. Nadeau commented that they should let Randall's know what the departments said, M. Tabory read into the record the land use review forms:

Received on 6/1 from the highway department they state *"would like to see a layout for fence and parking"*

M. Tabory doesn't know if that would impact their decision but is something the planning board will take into account.

Police department response *"what type of security/fire alarm system on site? What child protection plan will be in place for active criminal situations, lock down drills, shelter in place issues."*

Fire Department received 6/8 *"No concerns reference zoning we will be required to complete the state inspection once the process is closer."*

N. Randall gave M. Tabory a letter from the fire department. S. Nadeau inquired if we received the same letter, stated that we can't take the letter from a third party due to hearsay. M. Tabory suggested that the secretary follow up on the authenticity of the letter with Robin Weeks. S. Nadeau didn't feel they could use the document in the decision making process at the meeting. M. Tabory agreed they shouldn't use it in the decision making criteria for the evening.

M. Tabory read the criteria for consideration into the record:

**1) That the specific site is an appropriate location for the proposed use or structure.**

N. Randall responded we're not near traffic like this (referring to White Mountain Highway) there's no traffic on our road its safe. As far as where the house is there are some houses around us. She feels like it's safe, J. Randall added it's fairly off the road secluded area.

Public comment

None

Board comments

S.Nadeau said as far as a home being a daycare it was not unusual to be happening and would not be opposed to question 1. M. Tabory agreed, it's a residential area how convenient would it be for a child care in the local area rather than it being in the downtown area.

M. Tabory motioned yes the location is appropriate for proposed use. Motion seconded by S. Nadeau, all in favor, motion carried (3-0).

**2) That the use will not be injurious, noxious, offensive or detrimental to the neighborhood.**

J. Randall responded that it's on a dead end road, not much going on down that way, the back yard where everything is going to be is fenced in, have a walk out basement, everything will be contained right there with ground level door.

M. Tabory inquired if it would be offensive or detrimental to the neighborhood, Randall responded that traffic wouldn't be affected.

Public comment

None

Board Comment

S. Nadeau noted that there are 2.72 acres close to 3 acres of property buffer due to acreage to the neighbors it shouldn't be an issue.

L. Synder commented there are trees between the neighbors.

S. Nadeau motion in favor of 2. Motion seconded by L. Synder. All in favor, motion carried. (3-0)

**3) That there will be no undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking.**

J. Randall said there isn't going to be on street parking, the driveway is dirt and two car width wide, will be making a turn around. N. Randall said kids will be getting dropped off at varying times.

Public Comment

None

Board Comment

L. Synder inquired if there would be parking on the side to avoid accidents.

J. Randall said going to make it a flat area for more parking.

S. Nadeau asked if it was fair to say there is limited on street parking, mostly off street parking and N. Randall agreed that that was the case.

S. Nadeau motioned in favor of item 3. Motion seconded by L. Synder. All in favor, motion carried (3-0)

**4) That adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use and structure so that the use will not be contrary to the public health, safety or welfare.**

N. Randall said the state will come in to make sure everything is up to code. The land use review forms were discussed along with their plans for emergencies. N. Randall stated they have alarms on their doors and will have a code for each parent to punch in to get into the house.

S. Nadeau stated they should have a written policy for emergencies that the parents have.

J. Randall said they were working on contract for the parents to sign and would add the policy into it.

S. Nadeau motioned to yes approve. Motion was seconded by L. Synder. All in favor, motion carried.

**5) That the proposed use or structure is consistent with the spirit of this ordinance and the intent of the master plan.**

J. Randall said they are setting up an in home daycare, not a business that will take over all of Silver Street.

Public comment

None

The board discussed that the daycare would fit with the Master Plan and safety of the children. M. Randall added that she wants to eventually put up a camera downstairs for the parents be able to sign in and watch their kids on their lunch break.

S. Nadeau made a motion to approve. Motion was seconded by M. Tabory. All in favor, motion carried (3-0).

S. Nadeau motioned for approval of application with the terms that they meet all local and state requirements. Motion was seconded by L. Synder. All in favor, board approved.

30 days for public to appeal decision. 2 years to begin this process.

N. Randall presented board with a zoning verification document to sign for the state.

S. Nadeau makes motion for Chairman to sign zoning verification document. Motion seconded by L. Synder. All in favor, motion carried.

Approval of Minutes:

May 28 2015. Need to clarify that Bruce is an alternate and did participate in discussions but did not vote during the meeting as per RSA 673:6 section V.

M. Tabory motion to approve the May 28, 2015 minutes with the one clarification. Motion seconded by S. Nadeau, all in favor, motion carried.

L. Synder motioned to adjourn. Motion seconded by S. Nadeau, all in favor, motion carried.

Dana Smith  
Land Use Clerk