

**ZONING BOARD OF ADJUSTMENT
PO BOX 310
MILTON NH 03851
(603) 652-4501 X5**

**Meeting Minutes
January 26, 2012**

Members in attendance: James Smith, Michael Tabory, Bob Srnec, Robert Sylvester, and Luella Snyder. Also in attendance was Wendy Keane recording clerk.

Public in attendance: Shaena Myers, applicant, Jason and Browyn Poth, abutters.

Meeting was called to order at 6:00 pm and the Pledge of Allegiance was recited.

Chairman Smith explained that there was a clerical error in the noticing of the meeting. He informed the Board and those present that the case had been noted as one for a variance, however it is actually for a special exception. Because the criteria for a variance is more stringent than that of a special exception, it is allowable to change at the time of the meeting, however, had it been noticed as a special exception and actually a variance it would have had to be re-noticed.

Shaena Myers stated that she presently cares for 2 children in her home, and would like to apply for State licensing in order to be able to care for more children under a day care title. Mrs. Myers stated that under the permitting process she would be required to have safety and fire certifications. She explained that she would be allowed to care for 3 children without state licensing but would like to care for up to six with some of them being after school care and vacation time care only which would then require a license.

Mrs. Poth, an abutter, stated that Mrs. Myers property seems to be well suited for day care as there is little traffic due to the house sitting very far off of the road, and it would be of great help to Milton parents. Her only concern is that the day care would continue to grow and 6-8 children would be fine, but 20-30 would not be good.

Mike Tabory inquired if there will be a fenced in area for the children and if there are any dogs on the property and would they be separated from the children.

Mrs. Meyers stated that the fence would be approximately 3' off of the back of the house at the patio area and then another rectangular area in the rear of the yard.

Rob Sylvester reminded the Board and abutters that this hearing for a Special Exception is not for licensing, only for zoning purposes and if the Board will allow permission to establish this type of service in a restricted area.

MOTION: James Smith moved that the specific site is an appropriate location for the proposed use or structure. Seconded by Rob Sylvester. Motion carried 5-0.

MOTION: James Smith moved that the use will not be injurious, noxious, offensive, or detrimental to the neighborhood. Seconded by Bob Srnec. Motion carried 5-0.

MOTION: James Smith moved that there will be no undue nuisance of serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off street parking. Seconded by Lue Snyder. Motion carried 5-0.

MOTION: James Smith moved that the 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. Seconded by Lue Snyder. Motion carried 5-0.

MOTION: James Smith moved that the proposed use or structure is consistent with the spirit of the ordinance and the intent of the Master Plan.

MOTION: Rob Sylvester moved to adjourn. Seconded by Lue Snyder. Motion carried 5-0.

Meeting adjourned at 6:23 pm.

Respectfully submitted,

Wendy L. Keane
Land Use Clerk