

MILFORD PLANNING BOARD PUBLIC HEARING  
December 20, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Present:

**Members:**

Janet Langdell, Chairperson  
Tom Sloan, Vice-Chairman  
Paul Amato  
Kathy Bauer  
Chris Beer  
Steve Duncanson  
Judy Plant  
Susan Robinson (Alternate member)

**Staff:**

Sarah Marchant, Town Planner  
Shirley Wilson, Recording Secretary  
Dan Finan, Videographer

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**PUBLIC HEARING:**

1. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday December 20, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:
  1. Revisions to Article II, *General Provisions*, to remove Equitable Waiver, modify and transfer it to Article X, *Administrative Relief*.
  2. Revisions to Article VIII, *Administration* and VII, *Sign Ordinance* relative to Enforcement, Penalties and Remedies.
  3. Revisions to Article X, *Administrative Relief* relative to Special Exceptions for Accessory Dwelling Units and Home Occupations, and Variances.

**SCENIC ROAD PUBLIC HEARING:**

2. In accordance with NH RSA 231:158, the Milford Planning Board will hold a public hearing on the following application:  
**Anne C Weiser/Barbara Justason – Map 50, Lot 5 (proposed lot 50/5-1);** potential tree cutting/trimming for proposed driveway to be located on Mile Slip Rd.  
(*New application*)

**MINUTES:**

3. Approval of minutes from the 10/18/11 meeting, 11/1/11, 12/6/11 and 12/13/11 public hearings.

**NEW BUSINESS:**

4. **Anne C Weiser/Barbara Justason – Mile Slip Rd - Map 50, Lot 5.** Public Hearing for a proposed subdivision creating one (1) new residential lot.  
(New application-Fieldstone Land Consultants)
5. **Paul Francoeur/Café on the Oval – 285 Union Sq – Map 25, Lot 42.** Public Hearing for compliance with the Nashua and Elm Streets Corridor District for proposed building façade renovations.  
(Miscellaneous application)

Chairperson Langdell called the meeting to order at 6:35PM. Chairperson Langdell then introduced the Board, explained the process for the public hearing and read the agenda.

**PUBLIC HEARING**

Chairperson Langdell read the notice of hearing into the record and explained that these three subgroups of amendments were brought forth by our Zoning Board based on their work and have been reviewed by town counsel and staff. She then read the staff memo dated 12/6/11.

S. Marchant added that the agenda item for Accessory Dwelling Units has already been posted to the March warrant at a previous public hearing and was included due to timing for posting notices. Only the items included in the staff memo are before the Board tonight.

***Article II, General Provisions; to remove Equitable Waiver, modify and transfer it to Article X.***

Chairperson Langdell said this modification was suggested by town counsel and it will move all of Section 2.06 to Article X, adding section 10.07. It is an administrative change and will make the ordinance easier to read and use.

***Article VIII, Administration; and VII Sign Ordinance relative to Enforcement Penalties and Remedies.***

Chairperson Langdell said this again will move some language from one section to another and update wording that is out of date.

***Article X, Administrative Relief; relative to Special Exceptions for Home Occupations and Variances.***

Chairperson Langdell explained that the reasoning behind the revisions to the Variance section is to bring our ordinance in compliance with the State RSA and revisions to the Home Occupation section will limit the ordinance's focus to only the area of the building that is related to where the home occupation is located.

Chairperson Langdell opened the discussion for public comment on all the proposed zoning amendments; there was no comment. She then asked for comments from the Board; there were none.

S. Duncanson made a motion to post and send the proposed amendments, as written, to the March 2012 warrant. C. Beer seconded and all in favor.

**NEW BUSINESS:**

P. Amato recused himself as he was a direct abutter.

**Anne C Weiser/Barbara Justason – Mile Slip Rd - Map 50, Lot 5.** Public Hearing for a proposed subdivision creating one (1) new residential lot.

*Abutters present:*

*Paul Amato, Spring Creek Sand and Gravel*

Chairperson Langdell recognized:

Mike Ploof, Fieldstone Land Consultants, PLLC

C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record. S. Duncanson made a motion that this application did not present potential regional impact. T. Sloan seconded and all in favor.

M. Ploof presented plans dated 11/17/11 for a proposed single lot subdivision in the Residence "R" district. The plan is very straightforward and the new lot 50/5-1 will have 3.05 acres leaving the original lot 50/5 with 2.8 acres.

Chairperson Langdell read the staff memo dated 12/20/11, saying there were no comments received from the interdepartmental review process and the only recommendation from staff was that note #11 be updated with the State Subdivision approval, when obtained.

Chairperson Langdell opened the discussion for public comment.

P. Amato asked how much of the land would be buildable due to the slope. M. Ploof showed the ravine and the buildable area on the plan. J. Langdell said that staff did note there was a relatively flat buildable area abutting the ROW.

Chairperson Langdell closed the public portion of the meeting.

She then asked for comments from the Board; there were none.

T. Sloan made a motion to approve the application with the condition from the Staff Memo pertaining to State Subdivision approval. J. Plant seconded and all in favor.

**SCENIC ROAD PUBLIC HEARING:**

Chairperson Langdell read the notice into the record. *In accordance with NH RSA 231:158, the Milford Planning Board will hold a public hearing on the following application: Anne C Weiser/Barbara Justason – Map 50, Lot 5 (proposed lot 50/5-1); potential tree cutting/trimming for proposed driveway to be located on Mile Slip Rd.*

M. Ploof submitted a driveway plan dated 11/17/11 and explained that the proposed driveway will be located directly opposite from the existing driveway across the street, in the best position for sight distance. One oak tree, which has been marked, will need to be removed and some brush will be cleared behind the wall. There is no stonewall in that area; therefore, no disturbance.

Chairperson Langdell opened the discussion for public comment; there was none.

There was no further discussion from the Board.

S. Duncanson made a motion to grant approval for the removal of the one tree. C. Beer seconded and all in favor.

**NEW BUSINESS CONT'D:**

**Paul Francoeur/Café on the Oval – 285 Union Sq – Map 25, Lot 42.** Public Hearing for compliance with the Nashua and Elm Streets Corridor District for proposed building façade renovations.

*No abutters were present.*

Chairperson Langdell recognized:

Paul Francoeur, owner of Café on the Oval

C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record. S. Marchant noted that this was the first stand-alone application for an overlay district.

P. Francoeur presented conceptual plans dated November, 2011 and said he purchased the former Dyer building with plans to renovate the whole building, which includes updating the fascia, and move his restaurant to the corner.

J. Langdell explained that the overlay district not only speaks to traffic and transportation, but also to significant changes in the facades of existing buildings and these renditions seem spot on point to the preferred esthetics as described in the ordinance for this particular area of town.

K. Bauer said the designs are wonderful and people have been very anxious to see this building upgraded. This is an old building though and you may run into problems. P. Francoeur said the building was inspected first and yes, they are expected. He then described the interior. The restaurant will be on the first floor and two apartments, dry storage and an office will be located upstairs. The one-bedroom and two-bedroom apartments will be rented out. J. Langdell said this would be keeping with the established tradition downtown of mixed use

buildings. K. Bauer asked about the existing bulkhead on the South St sidewalk. P. Francoeur said it will be removed as there is other access to the building.

P. Amato inquired about the timetable. P. Francoeur said he will begin immediately after this Board's approval and hopes to be completed by May 1<sup>st</sup>. P. Amato asked if there would be capability to dine on the sidewalk. P. Francoeur said that could be a possibility.

T. Sloan inquired about the façade compositions. P. Francoeur said the lower part of the building would be vinyl with vinyl shakes up top. T. Sloan asked if the building would be air-conditioned. P. Francoeur replied yes, the components will be on the roof and set back out of sight. T. Sloan noted that the renditions do not show how the building will drain. P. Francoeur said the existing roof drains that come down the side along South St will be brought inside the building. T. Sloan inquired about the dumpster location. P. Francoeur replied that they don't have a dumpster, but will work with the Dreymann Corp to put something in the back parking lot that will comply with all requirements. We don't own that rear parking lot, but will have 100% access and first option to purchase. T. Sloan asked if the South St utilities will be buried as there are no telephone poles shown in the renderings. S. Marchant said that is all in the works as part of the South Street Improvements Project and the utilities in that back parking lot are also intended to be buried. P. Amato inquired if this building would be in jeopardy because of the proposed widening of South St. S. Marchant stated no, no chance at all. J. Langdell ended a brief discussion pertaining to the Oval Area/South Street improvements by saying that the plan is still going forward and the slowdown has been, not at the town level, but at the State level. S. Marchant added that easement acquisition has been a time consuming factor as well.

J. Langdell inquired if the applicant came up with the design before taking a look at the ordinances. P. Francoeur answered yes, he didn't know there was an overlay district at the time, but his designer did and brought it all together. J. Langdell asked if the rear stairway would have a railing. P. Francoeur replied yes, on both sides.

Chairperson Langdell opened the discussion for public comment.

S. Robinson, Alternate Planning Board member said her questions had been answered.

The public portion of the hearing was closed.

J. Plant said, as a point of clarification, that the staff memo dated 12/20/11 states two one-bedroom apartments and it should be one one-bedroom and one two-bedroom.

P. Amato made a motion to grant final approval of the application. K. Bauer seconded and all in favor.

**MINUTES:**

J. Langdell suggested that the spelling of Dawn Tuomala's name, listed on the 10/18/11 minutes, be verified and corrected, if needed. T. Sloan made a motion to approve the minutes of 10/18/11, 11/1/11, 12/6/11 and 12/13/11. J. Plant seconded and all in favor.

The public hearing was adjourned at 7:05PM.

**MINUTES OF THE DEC 20, 2011 PLANNING BOARD PUBLIC HEARING APPROVED JAN 17, 2012.**