

MILFORD PLANNING BOARD PUBLIC HEARING
July 17, 2012 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
Malia Ohlson, Alternate member

Staff:

Jodie Levandowski, Town Planner
Bill Parker, Community Development Director
Shirley Wilson, Recording Secretary
Justin Atwood, Videographer

PUBLIC HEARING:

In accordance with NH RSA 675:7 the Planning Board will conduct a public hearing to discuss and adopt revisions to the **Transportation Chapter of the Milford Master Plan.**

MINUTES:

Approval of minutes from the 06/19/12 meeting.

NEW BUSINESS:

37 Wilton Road Milford, LLC & 282 Route 101, LLC/Pine Valley Mill Commercial Center / Residences at the Mill – 37 Wilton Rd – Map 6, Lot 13; Public Hearing for a site plan to redevelop the Pine Valley Mill, creating 50 residential units to occupy 45,000 SF of the building and maintain 25,000 SF of commercial space, and to consider a request for waivers from:
Development Regulations Article VI, Section 6.05.4, Off-Street Parking.
Development Regulations Article VI, Section 6.08, Landscaping.

Chairperson Langdell called the meeting to order at 6:40PM, introduced the Board and staff, explained the process for the public hearing and read the agenda.

PUBLIC HEARING:

In accordance with NH RSA 675:7 the Planning Board will conduct a public hearing to discuss and adopt revisions to the **Transportation Chapter of the Milford Master Plan.**

Chairperson Langdell noted that the Planning Board has been working on this chapter of the Milford Master Plan for a few years. This revision has gone through interdepartmental review and all departments, commissions and boards have given significant input.

There were no comments from the Board.

Bill Parker, Community Development Director gave a brief presentation highlighting the purpose, history and subsequent updates of the Master Plan. He explained that staff has worked with the Planning Board to update this very important section as far as guiding the growth and development of the town over the next twenty years. This chapter contains many concepts and recommendations that promote smart growth in town; trying to keep things compact, pedestrian oriented, emphasize public transportation and maintaining the current capacity of roadways trying to reduce dependence on the automobile and associated costs. It also contains an appendix that includes current and projected traffic volumes, roadway capacities, levels of service at key intersections; all good data that will be used to base future projects on.

Vision Statement: Milford will have a transportation system that integrates land use with efficient and safe flow of multi-modal transportation and utilizes roadways at optimal capacity and energy efficiency. The transportation and circulation system shall balance the needs of all residents and businesses and promote and maintain the economic, social, public, and environmental health and character of the community while recognizing Milford's integral role in the regional transportation system.

Goal 1: Promote the development and redevelopment of the Town's transportation system by incorporating smart growth principles and policies balancing desired community character with a reduction in dependence on the automobile.

Goal 2: Carefully preserve road capacity, function, and efficiency of movement by coordinating land use and transportation. Encourage the development of a circulation system to safely and efficiently move vehicular, pedestrian, bicycle, and public transit transportation alternatives between residential neighborhoods, commercial and industrial areas, mixed-use zones, and rural areas, as well as into and out of adjacent towns.

This goal has twelve action steps which incorporate some of the current projects in town; South St improvements, Oval and Nashua St improvements, and Rte 13/Armory Rd/Emerson Rd intersection improvements. This goal also includes the prioritization and development of a sidewalk system in town, trying to make the town more pedestrian and bike friendly.

Goal 3: Expand local and regional public transportation systems and implement sustainable funding mechanisms.

We currently support the blue bus, Souhegan Valley Rides, and the long term goal is to get bus service to Milford from Nashua.

Goal 4: Integrate stormwater management and drainage improvements as necessary and appropriate in all project planning and implementation of the Department of Public Works roadway maintenance and upgrade projects to insure protection of surface and groundwater quality.

Chairperson Langdell opened the meeting to public comment regarding the proposed revisions; there were none and the public portion of the meeting was closed.

S. Duncanson made a motion to approve the proposed revisions, as presented for the Transportation Chapter of the Milford Master Plan. C. Beer approved and all in favor.

MINUTES:

C. Beer made a motion to approve the minutes from the 6/19/12 meeting. S. Duncanson seconded. P. Amato abstained and all else in favor.

NEW BUSINESS:

37 Wilton Road Milford, LLC & 282 Route 101, LLC/Pine Valley Mill Commercial Center / Residences at the Mill – 37 Wilton Rd – Map 6, Lot 13; Public Hearing for a site plan to redevelop the Pine Valley Mill, creating 50 residential units to occupy 45,000 SF of the building and maintain 25,000 SF of commercial space, and to consider a request for waivers from: Development Regulations Article VI, Section 6.05.4, Off-Street Parking and Article VI, Section 6.08, Landscaping.

Abutters present:

Stephan Murrach, Maple St

Chairperson Langdell recognized:

Andrew Prolman, Prunier & Prolman P.A.

Chad Branon, Fieldstone Land Consultants, LLC

Mark Prolman, 37 Wilton Road LLC & 282 Route 101, LLC

Eli Levine, Pine Valley Mill Business Center

Roberto Arista, Dakota Partners, Inc.

Steve Pernaw, Stephen G. Pernaw & Company, Inc.

Robert Duquette, Wilton Water Commission

J. Langdell asked if the application was complete. J. Levandowski replied yes. C. Beer made a motion to accept the application. J. Plant seconded and all in favor. S. Wilson read the abutters into the record. J. Langdell proposed, with the Board's agreement, that we consider the concept of regional impact after the presentations are made and we perhaps get some feedback from the public.

A. Prolman gave the presentation to the Board. The project came before the Board as a discussion item in April with proposed development on both sides of Wilton Road. We heard the Board's comments and have come back with only the Mill building. The project went to the ZBA and received final approval on 6/7/12 for mixed use in the ICI District, after several unexpected delays. The business model has this being built out next year in 2013. Our financing application deadline is 8/31/12 with the NHFA and all approvals have to be completed and all appeal periods have to be expired by that submittal date. We had planned more time with the Planning Board but again, due to the unexpected ZBA delays, we are requesting conditional approval tonight. There is not a lot of site planning, the mill you see today will be the same mill you see post development; this project will mainly be comprised of interior upgrades. There is a lot to like about this project; it is an \$11M investment into this mill and into the town with significant improvements along Wilton Rd and it fits with the West Elm St Gateway District.

C. Branon explained the proposed plan for fifty (50) residential units located on the second and third floors with renovated commercial space on the first floor. The 5.5 acre parcel is located on Map 6, Lot 13, in the ICI District with frontage on Wilton and North River Rds. He reviewed the existing conditions, shown on sheet 2 of the plan and explained the three closed drainage systems in detail.

Improvements will be scattered throughout the property and we will be improving the safety and aesthetics of the property by reworking the parking and landscaping. Residential access will be from North River Rd and the commercial tenants will access the property from Wilton Rd. This design will increase the safety and prevent any conflicts between the users. The south side of the property along Wilton Rd will be reconfigured to allow only one 30 ft controlled access that meets all sight distance requirements. The work will consist of removing large portions of paved areas both on-site and within the ROW to permit the installation of granite curbing and landscaped islands. It will be a vast improvement over what exists today. These improvements will improve the drainage, landscaping, safety and ultimately the aesthetics as you travel Wilton Rd. Onsite parking will be reconfigured, new walkways are proposed, and additional pervious and paved areas have been removed especially along the front of the building and annex. The parking lot on the south side will be curbed to protect the landscaped areas and ensure there will be no stormwater problems.

The improvements to the intersection will consist of pavement removal and landscaping with the existing retaining wall remaining. We are proposing a sidewalk from the residential area to Wilton Rd and a crosswalk. The improvements to the parking area on the north side consist of realigning the entrance which will allow for

more of a 90 degree angle on approach and improve the sight line. Narrowing the pavement in that location will cause further reduction of pervious area and add landscaping. The northeastern section of parking lot will be expanded to accommodate ten more spaces for the residential units to bring the proposed parking for the residential portion to 75 spaces using a 1.5 space per unit calculation. Stormwater patterns for the project will not be altered; all stormwater will sheet flow to the existing catch basins and no new structures are proposed for this project. Overall stormwater conditions will improve with the permanent removal of approximately ½ acre of impervious area. To further improve the stormwater onsite, we are proposing a rain garden on the north side of the residential parking lot as well as installing oil, water and debris separators in all catch basins located within paved areas. This proposal to redevelop the Pine Valley Mill property is an improvement project that will not only improve the safety, drainage, landscaping and aesthetics, but also the surrounding area.

Over the past few weeks we have reviewed this plan with the Fire Department, DPW, Sewer Department, Community Development and the Wilton Water Commissioners and we have made modifications to the plans to accommodate each department's concerns and/or comments. Most recently we met with the Wilton Water Commission and the understanding at this point is that they are willing to provide water to the mill building as long as long as the testing of the existing lines is adequate. Should there be any problems with that, there may need to be some improvements to the infrastructure. Bob Duquette is here this evening to address any questions. We have submitted a letter dated 7/16/12 in response to the staff memo. Most comments have been addressed or added to the revised plans dated 7/16/12, with the exception of the Heritage Commission's comment about asphalt curbing on site. Our response is that there is no requirement for curbing to make this site work and the ordinance does not dictate what style of curbing is used. We're installing a large amount of granite curbing along Wilton Rd and along part of North River Rd at a substantial cost and proposing the Cape Cod curbing on site, so we did not make any changes. The north parking area will keep the existing curbing or have no curbing as in the area where the pavement will be removed to create the one ft deep rain garden and we will not touch the slope.

K. Bauer inquired about snow storage on the north parking lot. C. Branon said there will be a fairly substantial platform as a result of the pavement removal where snow could be stored. This property has functioned adequately for a long time and snow storage will be accommodated on site.

J. Langdell brought up the Heritage Commission's comments. Given this is a multi-family structure with possibly some children living there, it would be nice to have an outdoor play area. C. Branon referenced sheet 4 and explained the existing fencing along the river, proposed additional 4ft chain link fencing, and the proposed recreation space/play area on the gravel area at the end of the parking lot. That area will have a nice overlook of the river and will also keep the residential portion of the site at the back of the mill. It is a flat area that is substantial in size. J. Langdell said it is nice to have an area especially if you don't have a deck or porch and to get your grill out. K. Bauer asked about the fence location in relation to the proposed play area. C. Branon showed the fencing on the plan and said the details can be worked out with staff. The play area could also be just a recreational area and the intention is to wrap the fence into the steep slope, but we can surround it. J. Langdell referenced a past discussion about parking and the possible need for additional parking; that gravel area was identified for potential overflow parking or expansion. C. Branon said that was correct, but that is the reason we are requesting a waiver. The applicants' findings from their existing facilities are that 1.3 spaces per two-bedroom unit is sufficient. Where the majority of these units will be one-bedroom, we're not anticipating any problems with parking in the long term; however, if parking should become a problem, we could go into that gravel area a little bit and he referenced an old plan prepared by TF Moran that incorporated a retaining wall to expand the parking into that slope. J. Langdell inquired about the residential configuration. C. Branon said there would be 33 single bedroom units and 17 two-bedroom units.

K. Bauer inquired about the grassy areas on the north site. C. Branon showed the areas where the pavement and gravel will be removed and turned into lawn or mulch and explained that existing sloped grassy areas are really unusable for grills and seating areas. K. Bauer noted that the proposed area is not very big for the number of units. J. Plant said she did not feel the play area was in a safe location.

C. Branon addressed staff comments and read his response letter dated 7/16/12 with the following commentary;

DPW:

We met with DPW and staff and reviewed the proposed curbing, and as a result put this wording as a note on the face of the plan. B. Parker added that when this plan was reviewed with the DPW Director, he had no concerns whatsoever with snow and plowing; his main concern was with the landscaping and the note reflects Rick's words. K. Bauer asked if the "legal review" was pertinent. J. Levandowski said from discussion with DPW there is no issue; the legal review may have been suggested for the actual language for the plan. C. Branon said his interpretation is that should the Town want to make any improvements for drainage or utilities in the ROW, then they have the right, to impact the landscaping and curbing, at will and this is customary. Note N on pg. 4 was added to state we will use asphalt base sealers.

Landscaping:

A note was added to the landscaping plan with the terminology "shall be native species." T. Sloan inquired native to New Hampshire or North America. J. Langdell pointed out that our regulations state native hybrid naturalized non-invasive. T. Sloan the regulations selected trees from a guide that is adapted to an urban environment such as drought and car fumes; however, there are species particular to New Hampshire that are strong, naturally growing trees. Maybe there could be some consideration for sugar maples, red oaks, Washington hawthorn, and native dogwoods that would all work well on this site. C. Branon read the note and said they would look into incorporating some of the suggested species into the plan. In regards to the line of sight on Wilton Rd, we've moved all the trees back and noted that the tree height shall be no lower than six to seven feet.

Water supply:

The Wilton Water Commission confirmed that anything on site is private. We are in the process of having the water line traced on the property and we will resolve any geographic issues.

Fire Department:

The plan has been revised to show that the entry way on North River Rd has been flared out to accommodate fire apparatus and that the proposed curb at the Wilton Rd entrance has been widened from 25ft to 30ft. We also removed the raised island and changed it to be an inset cobblestone. Note O on pg. 4 states that all out of service fire protection will be fixed. The driving force is to bring the landscaping back to this property. J. Langdell inquired if part of the bump out of the landscaping is to get two way traffic around the building. C. Branon said yes, currently there is very little room from the corner of the annex building to the ROW. K. Bauer asked if the existing sprinkler system needs to be updated. C. Branon said they met with Captain Smedick and the existing commercial fire requirements exceed residential fire requirements, so the fire suppression will certainly be renovated and retrofitted. We will work with the Fire Department and Code Enforcement.

Heritage Commission:

The bus stop easement on 6/14 is still active, although not shown on this plan, and was part of the zoning approval.

Staff comments:

The additional handicapped space is now shown on the revised plans.

Water:

Mr. Duquette is here and we don't technically require approval from them, but we have to prove the existing water line on Wilton Rd has adequate water supply and there has been discussion if not. J. Langdell read the letter from the Wilton Water Commission, dated 7/16/12, into the record.

S. Pernaw distributed copies of a memorandum dated 5/9/12 and explained that this trip generation analysis was prepared for the ZBA and after that report was completed, we were asked to conduct field monitoring to look at overall traffic safety. The trip generation was based on the tables in the *ITE Manual* and we estimated what traffic would be generated by the fifty apartments. During AM peak time, there would be 26 trips, mostly exiting and in the PM peak time there would be 31 trips, mostly arriving, with a daily total of 334 trips. The non-scientific stratification for a trip generator rule of thumb is that less than 500 trips per day constitutes a low

generator and this is certainly in that category. Other allowed uses by right could generate more trips. The conclusion is that in the highest hour we are looking at 30 trips or one vehicle every two minutes on average during the highest peak period. Another important consideration is sight distance and during our on-site inspection, we took measurements of more than 500 ft along Wilton Rd and that is excellent distance. The access on North River Rd also has good sight distance in each direction. We looked at two original locations for the driveways; this revised plan consolidated them and the new proposed the driveway is further from the bridge and has better sight distance. As part of the traffic operations review, we did a two hour count in the morning and determined that the peak time was 7:15-8:15 with about 600 cars per hour travelling back and forth on Wilton Rd, the majority heading into Milford. The minor approach on North River Rd had about 71 trips during that time period. The peak hour in the evening 4:30-5:30 had closer to 700 cars per hour with North River Rd slightly less. I was able to watch the traffic for four hours and discovered that the right turn from Wilton Rd onto North River Rd was not good. Due to the geometry of the intersection, our recommendation was to increase the radius of the intersection. Afterwards we learned that was already being addressed. The capacity and level of service analysis showed that this is well below capacity today and will continue to operate well below capacity with the fifty apartments completely occupied. The North River Rd approach to Wilton Rd functions at a level of service B. The left turn into North River Rd functions at a level of service A and again with or without this development, there will be no change in the level of service for either location.

We also determined that based on these volumes and levels of service; there is no need to widen the intersection, or construct exclusive left turn or right turn lanes on Wilton Rd. The traffic coming out of North River Rd will do just fine with the existing single approach as long as that radius is fixed and the geometry improved. The appropriate form of traffic control device both at the intersection and at the proposed driveway on Wilton Rd is stop sign control. The recommendation for vegetation is to keep it very high or very low. Most traffic will be heading east towards Milford and we are anticipating only single digit counts going to Wilton, over a one hour period, so clearly from a transportation standpoint there will be no perceivable impact to Wilton.

K. Bauer asked what the width of the egress was, coming out of the north parking lot and would there be enough room for two cars to turn in different directions to prevent backup. S. Pernaw said one exit lane would be sufficient for the volume of traffic. There would be 21 departures during peak time in the morning and he would not recommend separate turning lanes. Traffic on that road is so low that the level of service functions at a level A so the extra pavement would not be needed from a traffic operations standpoint. K. Bauer said with fifty apartments, there would be more than 21 cars leaving to go to work. S. Pernaw said the ITE trip estimates reflect actual apartment sites and what really happens is that not everyone will leave between 7-8; the times will be staggered. Statistically from looking at many other apartment sites, we know that this project will generate 21 trips. J. Langdell added that she lives across from a multi-unit development and has never seen a bottleneck in the morning trying to get out onto Elm St.

C. Branon read the request for a waiver from Section 6.05.4, off-street parking requirements dated 6/20/12. It is important to state that the property is certainly large enough for more spaces to be constructed and if required we would contemplate doing so. The main reason for the request is that my client does not believe the additional parking is going to be needed, based on the number of facilities he currently manages.

T. Sloan asked how the projections were arrived at. R. Arista said from our 96 unit project in Tyngsboro and several other WinnResidential managed properties, it is consistently less than 1.5 spaces per unit. We actually went back to the Planning Board in Tyngsboro to reduce the parking. J. Langdell inquired about guest parking as there is no parking on North River Rd. R. Arista said there is guest parking on site, in all cases. T. Sloan asked if there were extra parking spaces in the south parking section. C. Branon replied yes there are 16 spaces, but the goal is not to merge the uses. T. Sloan said you are asking for Planning Board concessions but are you willing to put some type of security aside and bond for further improvements. C. Branon said we can probably make the parking work as a whole for the site and gain an additional 9 spaces to make the site comply, but we're asking for a waiver to how we envision the property operating. T. Sloan said he understands the separation of the residential and commercial, but would prefer the required number of spaces be there. One consideration is that the recreational area have the infrastructure already be in place to be utilized for further parking spaces. C. Branon said we tend to think outside the standards often and on the north side of the building we are removing a lot of pavement but those areas with potential are going to be blocked by parking because of the geometry and layout of

the site. The site doesn't offer a lot of room on that side of the building. S. Pernaw said ITE also makes a parking generation manual and parking during the average peak period, at peak occupancy, averaged 1.23 vehicles per unit. Adding 10% to the calculation comes out to 1.35 vehicles per unit which is close to what was just presented. Doing the math, the minimum number of spaces on the north side of the building would be 68 and this plan is proposing 75 spaces which would be consistent with the ITE manual plus the 10% factor.

P. Amato compared our ordinance to the information presented and said there is some room for the applicant to get a little more parking in to make this work. J. Langdell said that when the Development Regulations and parking were reviewed, a considerable amount of research was done and that was the best information available at that time. There may be more data now and this is a different situation and different context.

K. Bauer said one bedroom units still have the potential for two cars and also where do the guests go? A. Prolman said this project has to work for Dakota Partners and they have to be able to rent these apartments to tenants. Tenants will go elsewhere if there is no parking. They know their parking needs and it is not uncommon for parking regulations to not keep up with today's data and large variations in parking requirements. There will be many different instances and on average 1.5 spaces is considered ample parking. K. Bauer asked if the guests could use the commercial spaces in the evenings. A. Prolman said there will be an on-site manager during normal business hours but in the evenings there will be less use of the front commercial area, so guests could use it. P. Amato said the applicant has shown data from a national organization to justify the numbers and if they don't have the parking covered, then management will have to deal with the problem. R. Arista said management could handle informing the residents of available parking and there is also direct access to the residential area from the ground floor on the commercial side. S. Duncanson clarified that the applicant is only short nine (9) spaces. T. Sloan said and the applicant has a solution to that.

Chairperson Langdell opened discussion to the public regarding the parking waiver.

Karen Legault, said she is a resident of Milford, sometimes referred to as West Milford. Is there any reason the information we have been given before and felt confident about is no longer valid. Is this new, improved, backed up, justified data? Would we put this into our regulations and do you feel it is valid enough to enforce and not be too restrictive or lenient? Why would we drop that now? J. Langdell said Steve Pernaw presented additional information over what Dakota Partners brought forward. He brought statistical work done by ITE; information that is used nationwide in terms of looking at parking and transportation. There is confidence in Mr. Pernaw's data. K. Legault said she could promise that there will be more than one vehicle per adult and it is a problem to even think that there will only be 1.3 cars as a maximum. This does not make sense.

Chairperson Langdell closed the public portion of the meeting.

T. Sloan said if there is an excess of spaces on site, then they are not really asking for 1.5 spaces per unit and maybe the waiver should be for 9-10 spaces. J. Langdell said we are going by what has been requested. We are trying to make sure we accommodate the needs of fifty residential units. There are commercial businesses with certain requirements currently that may change over time and may need those sixteen spaces in the future. K. Bauer inquired how many commercial spaces were on the plan. C. Branon said 42 commercial spaces are required and we are providing 58. K. Bauer said maybe our regulations are out of date but she thinks they are still relevant. Two spaces per unit is not excessive. P. Amato gave an example of a single adult with a small child, so we have to go with an average. If it is not realistic, then they will have to fix the problem.

S. Duncanson said his company manages multiple apartment complexes and every single two-bedroom apt has at least two cars and some have three. Also, his sites don't have any guest parking accommodations and he has not found that to be a problem.

J. Plant said she is still troubled with the parking because even a one bedroom apartment could have two adults and there is the potential for a parking problem. J. Langdell said they have come forward and indicated that there is space on the property to accommodate, mitigate or adjust. K. Bauer asked if that would take away the play area. S. Duncanson noted that our regulations do not require a play area. P. Amato said it would be nice to have and discussion followed. C. Branon reiterated that if Dakota Partners felt there would be a problem we would

have proposed parking in the play area and that management has to keep the tenants happy. Using the 1.3 numbers, would actually provide 7 or 8 vacant spaces that could be used for guests. There will likely be vacant spaces in the commercial area that can be used and we are proposing more parking in the commercial area than exists today. Again, we don't believe there will be any parking issues here. K. Bauer said we have to plan ahead for future parking because this plan is forever.

T. Sloan made a motion to grant the waiver based on the information presented tonight, the experience with actual needed parking, with the assurances of the applicant to rectify any issues that do arise by extending the parking area, and with the additional sixteen spaces in the commercial area. P. Amato seconded. J. Langdell called for a vote; P. Amato, T. Sloan, J. Langdell, C. Beer, and J. Plant voted in the affirmative with K. Bauer and S. Duncanson voting in the negative. The motion carried by a vote of 5-2.

Chairperson Langdell called for a five minute break.

C. Branon read the waiver request from Section 6.08, dated 7/16/12, and explained that the landscaping waiver was for the number of bushes around the site and questioned if it was necessary. B. Parker explained that when staff first met with the applicant we did advise them to go for a waiver, but upon further review of the regulations, specifically section 6.08.1, we now feel these landscaping requirements are not mandatory and the proposed landscaping would be sufficient. B. Parker read the section and said the key word for amendments and change of use is the use of the word "may". J. Langdell concurred with the word "may" and noted that in the past we have certainly encouraged the applicants to bring their site closer to the requirements.

Chairperson Langdell polled the Board if the waiver was necessary. T. Sloan said yes, this is a change of use to a multi-family development and the regulations are specific.

C. Branon finished reading the waiver request and explained that Section 6.08.6 deals with landscaping along the building frontages and a minimum of one (1) shrub for every five (5) ft of building frontage shall be provided. The building is approximately 550ft long and the annex is another 66ft. Per the calculations, 234 shrubs would be required. We found this number to be very large and it demonstrates the unique characteristics of the property. The ability to landscape this site is restricted by topography, utilities, access and geometry. Section 6.08.7 refers to parking lots and access ways requiring one (1) tree every thirty (30) ft of landscaping strip. The measurement is approximately 850 linear ft, so 29 trees are required and we are proposing 58 trees which doubles the minimum requirement. We respectfully request the Board waive the minimum number of shrubs and allow sixty (60) shrubs for this project.

S. Duncanson said the north side slopes down towards the building and there isn't any place to plant shrubs. The applicant is adding lawn and he has no problem with granting this waiver. J. Plant agreed. P. Amato said the ordinance was mostly intended for new buildings to soften the frontage and it is not practical here. They have done an excellent job to try to make this site better and it does make sense in this instance. K. Bauer said she had no problem with the waiver. T. Sloan asked if there would be accommodation for additional trees northeast of the entry way if the sight distance would allow. C. Branon said that would be fine and he verified the location on the plan.

Chairperson Langdell opened discussion to the public; there was none and the public portion of the meeting was closed.

C. Beer inquired about the green and white areas in the northeast section of the plan. C. Branon said that was wooded area and none of the existing vegetation is included in the numbers presented. C. Beer noted that area is screening the building from the road.

T. Sloan made a motion to grant the waiver as requested that the minimum number of shrubs be reduced to 60 shrubs and to provide trees adjacent to the north parking entrance and with the consideration that the applicant consult with their landscape architect to incorporate more New Hampshire native species. P. Amato seconded and all in favor.

C. Branon explained that the initial review of the stormwater regulations were interpreted as this project would not trigger a stormwater permit. The regulations specifically define “disturbed area” and only 4,400 SF of natural vegetation will be disturbed. The confusion came in with the word “impact” and a member of staff determined that this project would be impacting over 20,000SF; however, “impact” is not defined in the ordinance. Ultimately we are getting penalized for converting all the pervious area to landscaped area and due to the tight timeframe; we did not submit a drainage analysis that would prove less runoff. We were informed just prior to this meeting of the noticing requirements for waivers and we respectfully ask that the Planning Board allow us to work with staff to resolve the stormwater with staff. J. Langdell said there is a dilemma here as we are required under RSA and our regulations to notice waivers; however, past precedent has been set and motions have been made to work out stormwater details between applicants and staff. C. Branon said this plan certainly takes into account erosion and sedimentation control Best Management Practices with construction details. The site has been designed to comply with all the stormwater requirements, but the 20,000SF impact ratchets us to a different level for drainage requirements. B. Parker said due to the uniqueness of the site and the fact that the net impact is less than 5,000 SF, staff didn’t feel a stormwater permit was going to be required in addition to the BMPs and design they are incorporating into their site. Planning Staff interpreted “impact” as being less than 5,000SF and no waiver would be required. J. Langdell noted however, that other staff had a different interpretation of the ordinance. B. Parker said two different interpretations with the same end result, an assurance that drainage will be handled on site. Discussion ensued.

K. Bauer said that if we bypass the notice for the waiver, then we bypass the public’s right to be heard. C. Beer said this would not be granting a waiver from the stormwater permit. B. Parker explained the details and said if a waiver is needed, they will have to come back to the Board. If a permit is required, they will have to obtain a stormwater permit.

C. Branon asked to withdraw the waiver request and try to handle this topic with staff. It would give us a little more time to work through the process and to do the drainage. He is still confused about the interpretation and if a stormwater permit is needed, we will do that in order to keep within our timeframe.

A. Prolman said one of the conditions of the ten lot subdivision on 6/14 was to provide a floating, pull off type, bus stop easement that goes hand in hand with the transportation chapter of the master plan. If for whatever reason that project doesn’t go forward, as common owners we would like to propose that it become part of this project, when the town is ready.

Per the recently approved Falcon Ridge resolution, the off-site improvements that include the intersection work is to be completed by October, 2014. Our commitment, on behalf of the property owners and Dakota Partners, is to make sure this turning radius is completed prior to C/O of the residential units. The sharing/reimbursement agreement is in the process of being worked out.

Statute 36:54 governs Regional Impact and this is important because if regional impact is declared, then notice to Wilton and the NRPC would be required and that would affect our tight schedule. We don’t believe there is regional impact, even though of its close proximity. A. Prolman then read the criteria in RSA 36:55. The project is comparable to the relative size and number of dwelling units to the existing stock, with 50 dwelling units proposed. The neighboring project, Falcon Ridge is comparable with 45 homes and there are roughly 91 housing units heading west into Wilton, counting Maple St, Putnam St, Pine Valley St and Falcon Ridge Rd. I don’t know if any are multi-family but the number of proposed dwelling units to the existing housing stock is comparable. This project is certainly close in proximity to Wilton, but most traffic will head towards Milford and the vast majority of this project’s impact will go east. The level of service analysis will not be affected and there will be no impact to the intersection. We do not anticipate any emissions; light, noise, smoke, odors, particles to impact Wilton coming from this development. There are no aquifers which transcend mutual boundaries. We do not share school or solid waste facilities; we do have shared water and have already met with the Wilton Water Commission regarding the water service and any possible infrastructure improvements. From his experience in a handful of cases, he has not heard NRPC or most neighboring communities weigh in for projects like this and from a practical standpoint, it is unlikely that we will hear from Wilton or NRPC. J. Langdell noted that Wilton representatives did come to the subdivision hearing across the street last year, but may not have had any comment.

S. Duncanson inquired if the traffic analysis included the 45 lot Falcon Ridge subdivision trips in the calculations. S. Pernaw said the analysis was based on a snapshot of existing conditions, and did not include Falcon Ridge. By the same token, if we added in the traffic from a project like Falcon Ridge, the numbers will be different, but the conclusion would still be the same. The site traffic from this development is not significant enough to alter the level of service. The trip generation table also showed that other uses on that property and the by-right uses would have more regional impact than this project.

P. Amato said the applicant has already met with the Wilton Water Commission, and with the other reasons presented, he doesn't feel there is potential regional impact. T. Sloan agreed with the exception that their time constraints didn't enter into our decision.

T. Sloan made a motion that this application did not pose potential regional impact. P. Amato seconded for discussion.

C. Beer said by their own admission there is regional impact, namely the water. On the other hand, they've already addressed that issue. B. Parker read the statute and said there is not an unknown or potential here that needs to be found out.

J. Plant said there could be impact to the Wilton Fire Department. P. Amato said the mill has been there for a long time and that is not changing. J. Langdell said we could add 40,000 SF of office space that is allowed by right without coming to this Board. J. Plant noted that we are changing the use. S. Duncanson added that building housed 300 people when Cirtronics occupied that building, ten years ago. C. Branon said in the meeting with the Milford Fire Department, the fire requirements, from a fire suppression standpoint are not as high for a residential use compared to the commercial use of the building and may be lessened. Also, as standard practice, Mutual Aid could always kick in no matter what area of town.

K. Bauer agreed saying although the water has been identified, there could be other impacts. This multi-family use has a lot of implications and it is practically in Wilton. If I were a Wilton citizen, I'd want to know about any impact, including traffic and I would want to have a say.

P. Amato said this is not a new building and it has had many uses over its life including much higher densities than what this proposal is presenting, so he doesn't feel there is potential regional impact.

Further discussion about process and the ZBA followed.

J. Langdell said this proposal was noticed legally, as were the ZBA meetings. It has been on the front page of the Cabinet and in the news several times. This is not coming out of the blue and there have even been meetings with the Wilton Water Commission.

She then called for a vote. P. Amato, T. Sloan, C. Beer and J. Plant voted in the affirmative with K. Bauer, S. Duncanson and J. Langdell in the negative. The motion carried by a vote of 4-3.

Chairperson Langdell opened the discussion for public comment on the proposal at hand.

K. Legault expressed concern that this building burnt down before and now there will be fifty new kitchens, so maybe we need to let people know about this project. It does have an impact. How will this impact our school system? How do we absorb these students? Where will the school bus pick them up when the bus has to go up Maple St because it can't do these turns and hills? How will we absorb these families into our community that is already strapped? We need to follow up and make sure we can care for the people we bring in. I'm from that neighborhood and we watch out and care for each other. I don't think there are resources available to support fifty more families. We need to look at the future of our town. P. Amato inquired about the average number of school age children anticipated for a development like this. R. Arista replied that typically 1/3 of the families in apartments have children; in this case with a larger number of one-bedroom units there will most likely be less. P. Amato calculated that would be about 12 school age children. J. Langdell asked if the school department would make the determination of the location for bus pick up. B. Parker said yes, in conjunction with the bus company.

We had numbers for the ZBA meeting and it was less than .2 school age children per unit. Also, all the schools do have the capacity, per a recent discussion with the business administrator, Katie Chambers. J. Langdell added that the school numbers are decreasing.

S. Murrah said he appreciated all the hard work that went into this project and wanted to offer a general opinion. He missed the ZBA meeting, being on vacation but from a general sense of regional impact meaning neighbors in the immediate vicinity, we will be directly impacted by noise and traffic. He has witnessed the traffic and accidents at this intersection with people leaving Wilton and using North River Rd as a shortcut. He only sees greater potential for more accidents with cars or pedestrians with a bus stop and a general crowded scenario. It is hard to argue with the statistics but we've lived in apartments and ran into situations with guest parking, so they will probably run into some issues. Again, it is not our call, but for them to manage. I just wanted to share the opinion that with fifty families in such a tight space, it will be a little bit of a challenge and there will be impact. The traffic will have noise impact, and this will impact the general quality of life in the neighborhood. J. Langdell noted that it was good to hear the concerns of the neighborhood.

Chairperson Langdell closed the public portion of the hearing.

S. Duncanson inquired about the two proposed signs saying one looked like it was on the penstock; wasn't there concern about the penstock with the development across the street? J. Langdell said based on all the documentation and presentations, there is no request for signs per se and these are potential locations. C. Branon said there is a note on the plan stating we are not proposing any signage at this time. When the final signage is determined, we will submit application for permits with the actual locations. The signs on the plan are anticipated locations and can be changed. He can make a modification to the plan to move the sign off the penstock to avoid future confusion.

P. Amato inquired how the apartments will be heated. R. Arista said by individual systems, but it hasn't been determined if it will be propane or electric. P. Amato said there is a small underground propane tank on the property and usually tank farms are shown on a commercial site plan. R. Arista said there will be conversation with the NHFA regarding the heat. J. Langdell said that should there be a tank farm added in the future, it would be added to the plan. Certainly the Fire Department and Code Enforcement will look at the location, but we would want it added. T. Sloan added that it should be added and approved because it might affect the aesthetics on the site. K. Bauer asked if individual heating will be used for the commercial areas as well. R. Arista said no, there is currently a hot water boiler.

K. Bauer inquired about lighting on the plan. C. Branon referenced the utilities plan and said there are five pole mounted downcast lights proposed for the north side and three proposed for the south side. There are a many existing lights on the building and a couple of spotlights for safety and illumination of the parking areas. J. Plant asked if people across the street are being considered in regards to the lighting. C. Branon said that is the reason we are proposing full cutoff downcast lighting and also noted that the residential abutters are quite a bit elevated from the property.

S. Duncanson inquired about ADA compliance for the second and third floors and asked how many handicapped accessible apartments there would be. C. Branon said given the historical nature of the building, there may be some leniency when it comes to ADA accessibility. Two accesses to the second floor and have accessibility and there is a ramp for accessibility to the main entrance of the building. S. Duncanson asked how visitors will get up to the third floor apartments. R. Arista said that we have to comply with the code. 5% of the units need to be accessible and they will all be on the second floor and there are no requirements for the other floors, so your example is not covered by the codes. J. Langdell noted that the residential requirements are very different from commercial spaces. S. Duncanson then asked how a person who worked on the first floor could get to their apartment if they lived on the handicapped accessible second floor. R. Arista ended a brief discussion by saying that their option would be to take their car. P. Amato asked if a new building would require an elevator. R. Arista clarified that three story buildings do not require elevators; all handicapped units would be on the first floor.

K. Bauer inquired if pets would be allowed. R. Arista said yes but they will be restricted by breed and not every apartment will have a dog; some may have cats. Management will handle pets appropriately; in some instances they have created dog parks, but there is probably not enough room on this site.

J. Langdell inquired about the existing wooden stairs and patio in front of the gift shop. C. Branon said the existing steps and platform will be maintained and the paved area will be truncated back to provide for a walking space to get there. There's a void where the existing concrete covers one of the catch basins and there is no parking proposed in that cove; however, there will be adequate space for a vehicle to back out and exit the property.

K. Bauer asked if heating would be included in the rent. R. Arista said that hasn't been decided yet, but there will be air conditioning. K. Bauer inquired if there was a note reflecting the ZBA variance. C. Branon replied it is referenced as note R. K. Bauer commented that the density on this plan is twice the allowed for five acres. T. Sloan said that determination has been made through the variance. P. Amato added that the variance is for up to fifty units and we don't have to go to that maximum. The ZBA's purview is on use not density, it is in our documents and regulations. J. Langdell asked if looking at this lot, in this particular area, with these road conditions, is this an appropriate plan within the context of where it is being proposed. P. Amato said they could meet our multi-family density with twenty-five units. They are proposing fifty units, but what if they proposed 100 or 200 units. He feels we are giving them a break at twenty-five units to be able to use the whole five acres and they'd still get the bonus of the other commercial uses in there. He agrees with Kathy, the zoning everywhere else in town requires five units per acre, unless its senior housing. Why are they special? K. Bauer said she was not terribly against the density here, but the ZBA considered density a Planning Board issue. Their focus was safety and character of the neighborhood. B. Parker said given what the Planning Board is charged with tonight, he understood the concerns and the need for justification, but the ZBA granted the variance and this may not be the time to have this discussion. J. Langdell clarified that the ZBA variance was for up to fifty residential units and there is room for some negotiation. P. Amato said the ZBA looked at the change of use for fifty units, but didn't set the density.

A. Prolman said there was a lot of discussion on density at the ZBA meeting. Part of that discussion revolved around a density chart he prepared for that meeting. The Pine Valley Mill is proposing 67 bedrooms in total and came in at 14.1 units per acre, with the 70,000SF proportionately backed out for the commercial area. If this were senior housing, by right this could have up to 106 units. We looked at comparative projects, including senior developments and found that Cahill Place has 29.9/acre, Laurel Hill has 12/acre, Nottingham Place has 12/acre and Woodland Heights came in at a total of 13.6 units per acre for the whole site, averaging the 20/ acre on one lot and 9.6/acre on the other lot. This is not out of line for other developments in town or for senior housing. This project is based upon fifty units and the applicant hopes to go forward with fifty units.

K. Bauer asked why the town even has regulations for 5 units per acre when it seems like it has been violated in almost every complex in town. J. Langdell said the answer to that question will have much discussion and involve a lot of research outside of this meeting. P. Amato referenced Quarrywood Green, the multi-family project on Ponemah Hill Rd that needed to keep within the five units per acre and he is unclear how can we approve this project at 14 units per acre. J. Langdell questioned the current process. B. Parker said anyone wanting relief from the current density would have to go through the same process as Dakota Partners did and ask for a variance. A lengthy discussion followed. J. Langdell said we should consider what is before us, not the zone because the ICI is very different here from other areas of ICI zoning in Milford. P. Amato then asked what if the residential use was more profitable than the commercial and they wanted to turn the whole building into apartments. A. Prolman replied that the applicant would have to go back to the ZBA. He also added that we have done this before; this very same issue came up when we went to the ZBA to do the ten lot subdivision located across the street on roughly 3.4 acres. There was no density in the ICI at that time and there still isn't today. The permission we got from the ZBA was for up to fifty units, so that's our zoning or density for this project. The Board has the discretion to reduce that, but the proposal before the Board is for fifty units. J. Plant added that if we cut the number of units, they could make them into three-bedroom units instead of one-bedrooms. P. Amato said he honestly thinks this is a good plan for this location; however, he has a problem with the fact that we allow multi-family in certain places at five units per acre and we've kind of ignored that here. A. Prolman said we've just spent the past couple of hours justifying that the site works at fifty units and all the criteria works at fifty

