

MILFORD PLANNING BOARD PUBLIC HEARING  
May 21, 2013 Board of Selectmen's Meeting Room, 6:30 PM

Present:

**Members:**

Janet Langdell, Chairperson  
Paul Amato  
Kathy Bauer  
Chris Beer  
Steve Duncanson  
Judy Plant  
Tom Sloan

**Staff:**

Jodie Levandowski, Town Planner  
Shirley Wilson, Recording Secretary  
Zac Steinbrekker, Videographer

**Excused:**

Malia Ohlson, Alternate  
Susan Robinson, Alternate

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**MINUTES:**

1. Approval of minutes from the 4/16/13 meeting.

**NEW BUSINESS:**

2. **Kevin DeGroot – 30 Union St – Map 25, Lot 53;** Public Hearing for a minor site plan to convert a single family residence into a 3-unit residential dwelling.  
*New application*

**OTHER BUSINESS:**

Chairperson Langdell called the meeting to order at 6:45PM, due to technical difficulties. She then explained the process for the public hearing, introduced the Board and Staff, and read the agenda.

**MINUTES:**

P. Amato made a motion to approve the amended minutes from the 4/16/13 meeting with the corrections as discussed. T. Sloan seconded and all in favor.

**NEW BUSINESS:**

**Kevin deGroot – 30 Union St – Map 25, Lot 53;** Public Hearing for a minor site plan to convert a single family residence into a 3-unit residential dwelling.

*No abutters were present.*

Chairperson Langdell recognized:

Kevin deGroot, owner

Andrea Kokko Chappell

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

K. deGroot presented plans dated 5/09/13 and explained that he purchased the property at the end of March and it is the only single family home nestled among many multi-family properties. We went before the ZBA and received approval for a variance for frontage and setbacks to convert the residential house into a three family building. They deferred us to the Planning Board for parking and a buffer issue that came up. In planning this with Jodie Levandowski, we came up with a plan that fits with the spirit of the neighborhood and the surrounding homes. The parking will be stacked, with four (4) cars in the front drive and two (2) cars on the opposite drive, which we felt would have the least impact to the property itself and surrounding area. I have spoken to the Building Inspector as far as codes and can address any issues as they come up. The abutter to the south expressed concern at the ZBA meeting about her view from the second floor bedroom overlooking the cars.

J. Langdell read the interdepartmental reviews from the Staff memo dated 5/21/13 and said that most of the comments will be handled through the normal permitting process. K. Bauer brought up the sprinkler system. K. deGroot said that after conversation with the Building Inspector, his option was a one-hour rated wall with a sprinkler system or a two-hour rated wall without sprinklers for any shared common space or wall. We are considering both options.

T. Sloan inquired about comments from the ZBA that “there will be no physical changes to the site, following the change of use”. K. Bauer said that referenced the footprint of the building. A. Kokko clarified that the building structure would not change. K. deGroot added that the building inspectors, Dana and Tim who walked through the building with him, would address any egress issues. The entrance for the first floor apartment will be located off the porch, the entrance for the second floor apartment will be accessed from the front door and there will be another entrance located directly to the barn area. Currently, it is a two-story single family house although the barn may have been used as an in-law or illegal apartment in the past. Right now the barn is fully functional as a separate unit except for the fact that you can access the main house through a door. There will be two 2-bedroom units and one 1-bedroom unit.

P. Amato inquired about the parking requirements for a three-family. J. Langdell answered six (6) spaces, two per dwelling unit.

K. Bauer expressed concern with the way the parking is planned especially on the south side with two cars for each unit being stacked because there was discussion at the ZBA meeting about moving the cars about and backing in and out of the street. There was also discussion about putting some parking in the back of the property but there is a fifty (50) ft buffer from Railroad Pond. A. Kokko said we have always maintained that parking is open for discussion, but that is not the preferred parking area because it isn't near the main access to the building. K. Bauer said ideally there wouldn't be so much rearranging, maneuvering and backing in and out if there were only two cars parked in the southerly spaces as it is very tight. A. Kokko said if we move two cars to the back

from the front then we have an issue with where the two cars will park on the side. K. deGroot added that the whole back yard would be pavement, outside of the fifty ft buffer from the pond. We think this plan falls to the spirit of the neighborhood; this is what all the abutters are doing. The eight (8) unit abutter on Garden St has stacked parking, the abutter to the north has stacked parking and it seems fairly common on Union St. P. Amato noted that the current parking plan is in alignment with where the doors to the apartments are as opposed to parking in back and walking around the building.

J. Langdell presented a tracing done today, by Jodie Levandowski, for a possible alternative with parking in the rear, keeping in mind the minimum fifty ft buffer for the pond, which a significant water body in town where we would not want to see car oil and grease meandering close by. K. Bauer said fifty (50) feet is extensive and this plan wouldn't endanger that buffer. I am not opposed to this project and it is a great idea; however, this multi-family is not grand-fathered, and there hasn't been stacked parking since 1960 so I would like to see the parking done as efficiently as possible, but I am not against this project whatsoever. J. Langdell said if we're trying to develop neighborhoods and housing that has a feel of family and neighborhood, taking away a significant recreation area in the back of one's home for the purposes of parking has some negative impact as well. A. Kokko said that this property has a beautiful back yard and deck for tenants to enjoy and putting parking spaces down there would eat up all that. J. Langdell added that there may also need to be some additional buffer for the neighbor if gravel or asphalt is put in. A. Kokko said that concern was raised immediately when the discussion came up at the ZBA meeting and the abutter's comment was that it would completely take away all the enjoyment of the abutter's backyard. K. deGroot said we are really just trying to use what is already there and to keep all cars away from her backyard view. J. Langdell asked if there was enough depth for two cars so that they wouldn't overhang out over the sidewalk. K. deGroot replied yes. It is a fairly busy sidewalk for children after school so we did look at that. There is eighteen (18) ft between the front bumper and the entrance to the barn, so there is plenty of room for snow removal and to accommodate all four cars without hanging out into the street. It is 49 ft in from the road and one of these units will be the 1-bedroom so there could potentially be just one car. K. Bauer said the problem with stacked parking is that there will be up to four cars backing out over that sidewalk into that street; that is a safety issue. I don't know if it can be avoided and there are no perfect answers but I would like it to be the best it can be. Also, the neighbor to the south was very concerned with the buffer. Fencing and shrubbery were discussed at the ZBA meeting because it's very tight there and I am concerned with her quality of living with an extended parking lot there whereas with a single family, maybe there was parking there, but it was only two cars.

K. deGroot said that the setback between the two homes is very close; one could probably reach out and touch both homes. I am sensitive to the fact that she would like a buffer and I know we're parked, as it is, outside her bedroom window and I cannot change that. The driveway has always been there so I'm trying to work out some sort of an arrangement where we can satisfy her concerns, but I don't know that it will be possible. The top of her double hung window is nine 9 ft from the ground and I don't know how to take away her view. P. Amato suggested planting some arborvitae instead of a fence. K. deGroot replied that any snowfall would most likely crush anything we would plant. A. Kokko added that plantings in that area would be difficult because both roof lines meet there and questioned who would maintain the shrubs or bushes. The parking, as proposed, will use the existing eighteen (18) ft wide paved area. The only change we are proposing is to remove the tree and some shrubbery near the barn and pave that area to match the rest of the drive. We are making it longer, not wider. K. deGroot said the tree is quite mature and over time it will become problematic for both properties. Also, a ten (10) ft fence would only be 2 - 3 ft from her bedroom window. A. Kokko said envisioning a ten (10) ft fence, running down the buffer, would be very unsightly for curb appeal. J. Langdell said greenery and shrubbery would be a much better solution. K. deGroot said he would be willing to put in an arborvitae where her window is, to buffer her view. I don't know if it is the right solution or if it will become problematic in the future, but I am trying to accommodate her request. T. Sloan suggested a Temple's Upright, which is a form of sugar maple that is very narrow growing and may give her some privacy and noise attenuation. They are common in courtyards and parking lots. K. deGroot said the edge of pavement is very close to where we would plant the tree, so maybe it could go more on her side. J. Langdell said there are some considerations in terms of the selection of greenery as well as the ability to plant it that we have to speak to, as well. We can leave it for you and your neighbor to work out a compromise.

T. Sloan brought up Grass Pave, a permeable material that you can drive and park on that still allows grass to grow. It is a way to leave greenery for play areas and the view, yet get functional space for parking. That may be a solution in the back for parking. S. Duncanson said he has used that in the past. K. deGroot asked if that could be used for the extension of the front driveway, and said he wouldn't want it in back due to potential leaks from cars. T. Sloan said that would be the applicant's choice. I tend to agree with Kathy in regards to the issue of backing out, in that there will be disruption of traffic flow and impact for pedestrians. There is potential for accidents and two cars would be less of an impact than four cars backing out; if they were pulling out, it would be less of a concern. J. Langdell said we have that risk all the way up Union St. K. deGroot said a lot of the people back into their space when they are stacked. A. Kokko said that is a common situation with downtown living. When you rent the apartment, you know what the parking situation will be and people address it from the get-go. There are not many properties in the Oval, or along Nashua St and Elm St that aren't exactly like what we've proposed here, where you're going across the curb to back out. T. Sloan commented on the eight (8) unit property across the street and said while it may be stacked, there is enough room in the lot to turn around and pull out. P. Amato noted that if this property was on Middle St it wouldn't have any parking. J. Langdell said this question will keep coming up as the Board discusses housing, mixed use and conversions of this nature.

A. Kokko asked if there was consideration for the impact of the cost to the applicant to develop the driveway and referenced the memo dated 5/21/13 from Fred Elkind, Environmental Coordinator. J. Langdell stated that it is a variable that is considered. K. Bauer said we are a land use board and we have to consider how you are using this land and developing this land which will be there as a three-family for a long, long time so even though there are other imperfect parking solutions around town, if possible as we are working on this right now in 2013, that we can do this better than those other parking solutions. If the railroad side drive were open, fire apparatus would be able to access all sides of that building, where as if there were two cars there, it would slow them down. J. Langdell added that according to statistics, the Millennials who will be living in these apartments in the future are not as car oriented as we are, although public transportation does play a role. T. Sloan said the idea of having a well-designed and managed parking area would help the landlord with cost and time in the long run. J. Langdell inquired if anything had been parked out back prior. K. deGroot said there is some pea stone and electricity already there, but he didn't know what was done in the past. J. Langdell referenced Fred's memo and asked if we know what standard the parking area would have to be constructed to and what the cost would be? P. Amato said if we were talking about inside the buffer, then that memo would make sense, but if you have the proper drainage and you're outside that buffer, you can do whatever you want to do. J. Levandowski said it all goes back to topography, the water table and whether or not the area is prone to flooding. If it can be accomplished with pea stone, then there is no reason not to use it and discussion pertaining to Fred's memo ensued. J. Levandowski said that Fred's responses were probably intended for full build out for the parking area that encroached into the buffer. K. Bauer also noted that parking as shown on the tracing, would put all the coming and going on the railroad side rather than on the congested residential area. A. Kokko said moving four parking spots to the back will mean that one unit will have to walk to the front and one unit would have to climb two flights of stairs on the deck that was intended as a good second means of egress but not the sole means. K. deGroot said we would have to weigh out the possible difficulties of backing out onto Union St versus the inconvenience of walking around the whole building for the tenant.

S. Duncanson brought up an alternative to walking around the building which would also eliminate the stacking. There could be one space for each unit in front and the second space in the rear. That way only the second car is inconvenienced. That is a good option as some gravel is already there. K. deGroot described the existing conditions of the back yard area for the Board.

C. Beer said he is a trustee at the Congregational Church next door to the abutter to the north that was said to double stack the parking. Historically, while it hasn't been a major problem, we have had problems where they used the church parking lot for the second parking space instead of double stacking. Typically we don't mind, until it snows and it becomes costly. For that reason I would prefer to see the parking in back to eliminate the double stacking in front, but wouldn't vote against it simply for that reason.

J. Plant said she would prefer to not have someone lugging their groceries all the way around the building and Steve's suggestion would help.

Chairperson Langdell opened the hearing to the public; there being no comments, the public portion of the meeting was closed.

J. Langdell reviewed the recommendations from the staff memo dated 5/21/13 and inquired about snow removal and if there will be a dumpster. A. Kokko replied that there will be no dumpster; the tenants will be responsible for taking their trash to the transfer station. K. deGroot said there will be plenty of room in the front for snow storage even with the stacked parking. If storms continue to build up the snow, we'll bring in a tractor to move it to the back yard or along the hedge line. J. Levandowski referenced recommendation #3. J. Langdell also suggested that there is some standard language that could be used such as appropriate snow removal will be maintained. A. Kokko said absolutely, the snow will be taken care of.

P. Amato made a motion that we approve the parking as shown on the original plan. C. Beer seconded for discussion. There was no discussion. P. Amato and C. Beer voted in the affirmative. S. Duncanson, J. Plant, T. Sloan and K. Bauer voted in the negative. J. Langdell said she was unsure. The vote was 2-4 and there was discussion afterwards as to whether this was a binding vote or a consensus around the table.

P. Amato said in light of Mr. Elkind's memo, the applicant might want to find out what they are agreeing to. A. Kokko inquired if they could begin rehabbing the property because they've been approved for three (3) units by the ZBA. K. deGroot added we've been given the go ahead from the building inspector but we would like an assurance that the number of units will not change going forward and that it is just a matter of working out the site plan for approval. A. Kokko said she would like to be very clear because it is our understanding that three (3) units kicked us into a commercial classification and we do have to sit before the Planning Board regardless of the parking. J. Langdell stated that the variance has been granted for the use as three (3) units. You can have three (3) units and find alternative parking such as renting from Mr. Fitzgerald or Mr. Kokko across the street as long as you are providing six (6) spaces for your tenants. K. deGroot asked if that type of agreement would be binding if the properties changed hands. K. Bauer said that should be legally answered. K. deGroot reiterated that the back yard is a beautiful aspect of the property and for the tenants to enjoy and we are trying to keep as much green space as possible. I thought we came up with a good plan that is in keeping with the spirit of the neighborhood, so I am somewhat opposed to moving the parking, but if that is the decision of the Board, I won't stand in the way. P. Amato said if you wanted to do two (2) units, you would only have two cars on each side and they wouldn't have to be stacked. K. deGroot said we're sticking with three (3) units and will work out the parking.

J. Langdell said we could table the application in order to give the applicant more time to get additional information about the parking. A. Kokko said they would prefer the decision tonight and a discussion about parking options ensued.

T. Sloan said he would be fine with having three spaces up front that way you would have room to jockey the cars around. K. deGroot said it seems like we are going to have to impact the area in yellow on the tracing no matter what we do and wondered if we could do angled parking toward the railroad tracks along the hedge, that way it would create an avenue for people to get in and out. There is 130 ft including the buffer. T. Sloan said there's at least 92 ft without disturbing the buffer. J. Langdell said way Jodie drew the parking on the tracing is one option. There was further discussion about three spaces in front and three in back. K. Bauer asked how that would eliminate the safety concerns. If there was room on the site to turn around and pull out, she would not even question the parking. J. Langdell said backing out into the street is still there. K. deGroot added it would be that way, even if it were a single family. T. Sloan said there would be fewer backing trips.

J. Levandowski stated that the tracing was done with maximum build out in the back, but also to provide room for the cars to turn and pull out. J. Langdell noted that the tracing was done to show alternatives and for discussion. There may be a way to accommodate the parking with less impact and there seems to be more inclination to engage the applicant to look at alternatives to parking; a two and four situation and a three and three situation. J. Levandowski presented an alternate plan for three cars in the back, showing two stacked and one pulled to the side.

P. Amato asked if there was a sense of the Board to have a three and three design. T. Sloan said he wouldn't be opposed. K. Bauer, S. Duncanson, and J. Plant said no. C. Beer also said no, as that would mean there could be stacking on the left side which he would consider to be worse than the plan they have before us. T. Sloan asked if Chris would be able to change his opinion if he had a better sense of what would fit there. C. Beer replied no, it is his impression is that the Board doesn't like the situation because the cars are double-stacked and doing three and three won't solve that problem. If we don't want the cars double-stacked, then we should say that. Either we allow them to double-stack and they can do it the way the parking is shown on the plan right now or we don't allow them to double-stack on either side. T. Sloan said he thought the cars could be parallel parked down that

side. K. deGroot said he didn't even know there was a buffer in back and wasn't sure where it lies so he is not sure about the parking layout.

P. Amato questioned if our ordinance prohibits double-stacking. J. Levandowski answered no; there is nothing that specifies you cannot stack one, two or three cars. K. Bauer said one of the major intents of the ordinance was safety and this is a safety issue. That is pretty clear per our discussions.

J. Langdell said we are at a stalemate. P. Amato said we are not, the applicant knows he has to decimate his back yard to put four (4) cars back there if he wants to get this approved. K. Bauer said for good reasons. P. Amato said he didn't agree. J. Langdell polled to Board to see if the problem was stacking. S. Duncanson, J. Plant and K. Bauer said yes. P. Amato and T. Sloan said no. P. Amato said there may be alternative ways to park and the applicant should have a very good idea of what he is signing up for and agree to that. A. Kokko said no matter what he does, four (4) cars have to be parked in back or have the alternative of off-site parking. K. deGroot said it looks like the opinion of the Board is such that the parking as presented is not acceptable, even though the ordinance does not specify that we can't park this way. J. Langdell said that is the majority of the Board even though it is not prohibited.

A. Kokko asked if we leave here tonight with approval for four (4) parking spaces in back, is it a concern of this Board if we decide to rent parking? Are we bound to pea stone that area? If we find off-site parking do we have to do the parking area in back as long as we know we can't park more than two cars in front? J. Langdell said comes down to what the plan shows and what notes are on the site plan for the spaces in back. It would be much cleaner to know what you are going to do. Because I am the person signing the plan, what I don't want to see is if we agree to something here and then it changes. K. deGroot asked how many scenarios do we come back with? P. Amato replied one plan. T. Sloan said the three and three scenario could still be on the table if you can convince the Board how it will work as he didn't feel the members were clear. J. Langdell said if this were to remain a single family home, they could park two, three or four cars there with motorcycles. A. Kokko said it was stacked parking then. K. Bauer stated emphatically that this is not a what if; it is coming in as a commercial use on a tight lot and some things are going to have to be flexed and given and I hope that we can all come to an agreement. It isn't single family and we have to allow a certain number of parking spots and we're disagreeing on where we want to put them ideally. A. Kokko said there is a little bit of assumption that at least a two car stack wouldn't be an issue because that is how it has always existed. J. Langdell said the question is not single family, duplex, triplex, or commercial; the question for the majority of the Board is relative to safety and backing up, even though we've always done it that way and even though there are many other examples along that road. In this instance we are trying to make it better from a safety perspective. K. deGroot said to be clear, what standards will I be held to? I'd like to bring in crushed stone and grade it right. Will that be permissible from an engineering and wetlands standpoint because I'd like to get pricing. J. Langdell said the best answer is to meet with Jodie, Fred and Dana and put it on the table. J. Levandowski said at this time she doesn't have an answer as to what would be required and she doesn't know the history of that site or the pond. Coming into the office to meet with Fred, Dana and I would be the best solution. K. deGroot asked if the Board had any objection to utilizing any certain type of product. He wouldn't want to come back with a pea stone proposal only to have the Board go back and forth with permeable versus bricks or asphalt. J. Langdell said there is no preference other than it is safe and it works, generally speaking, the more permeable the better. K. Bauer said staff would have the rules and regulations.

P. Amato made a motion to table the application to the 6/4/13 meeting, without further abutter notification, to allow the applicant to meet with staff and to submit a revised plan. T. Sloan seconded and all in favor.

**OTHER BUSINESS:**

There was no other business.

S. Duncanson made a motion to adjourn the meeting 8:25pm. T. Sloan seconded and all in favor.

**MINUTES OF THE MAY 21, 2013 PLANNING BOARD PUBLIC HEARING APPROVED JUNE 6, 2013.**