



AGENDA

May 21, 2013

Town Hall BOS Meeting Room - 6:30 PM

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:

WORKSESSION:

1. Wrap up update of Gravel Regulations and NHRSA 155-E - GOVERNING EARTH EXCAVATIONS – review draft of 7.01.0 Gravel/Earth Products Removal
2. Impact Fee Fact Sheet and Continued Annual Review of Police and Library Rate Schedules
3. **Updates (as necessary):**
 - a. Distinguished Site Awards
 - b. CAC-CIP
 - c. Community Planning Grant/Hsg subcommittee
 - d. BroxCommunity Land Review
 - e. Pedestrian Network Plan
 - f. Community Facilities Committee
 - g. Recreation Master Plan
 - h. EDAC
 - i. SoRLAC
 - j. NRPC

Future meetings:

6/04/13 *Worksession*

6/18/13 *Regular meeting*

6/25/13 *Worksession – NRPC Zoning Discussion*

The order and matters of this meeting are subject to change without further notice.

1 MILFORD PLANNING BOARD PUBLIC HEARING ~ DRAFT ~

2 April 16, 2013 Board of Selectmen's Meeting Room, 6:30 PM

3
4 Present:

5
6 **Members:**

7 Janet Langdell, Chairperson

8 Paul Amato

9 Kathy Bauer

10 Chris Beer

11 Steve Duncanson

12 Judy Plant

13 Tom Sloan

Staff:

Jodie Levandowski, Town Planner

Shirley Wilson, Recording Secretary

Mike McMann, Videographer

Excused:

Malia Ohlson, Alternate

Susan Robinson, Alternate

14
15

16
17 **MINUTES:**

- 18 1. Approval of minutes from the 3/26/13 and 4/02/13 meetings.

19
20 **NEW BUSINESS:**

- 21
22 2. **Lynn Sawyer and Kirk Carnahan. – South St – Map 30, Lot 132;** Public Hearing for a site plan
23 amendment for a change of use to convert a residential property into office space with an existing hair salon.
24 *New application*
- 25
26 3. **Ducal Development, LLC – North River Rd & Mont Vernon St – Map 8, Lot 52;** Public Hearing for a
27 minor subdivision to create one (1) new developable lot in the Residence A District.
28 *New application (Meridian Land Services, Inc.)*
- 29
30 4. **Ducal Development, LLC – North River Rd & Mont Vernon St – Map 8, Lot 52;** Public Hearing for a
31 major site plan for a proposed twenty-four (24) unit senior housing condominium development with
32 associated off-site improvements.
33 *New application (Meridian Land Services, Inc.)*

34
35
36 **OTHER BUSINESS:**

37
38

39 Chairperson Langdell called the meeting to order at 6:30PM. She then explained the process for the public
40 hearing, introduced the Board and Staff, and read the agenda.

41
42 **MINUTES:**

43 T. Sloan made a motion to approve the minutes from the 3/26/13 meeting. C. Beer seconded. P. Amato
44 abstained; all else in favor.

45
46 S. Duncanson made a motion to approve the minutes from the 4/02/13 meeting. K. Bauer seconded. P. Amato
47 and T. Sloan abstained; all else in favor.

48
49 **NEW BUSINESS:**

50 **Lynn Sawyer and Kirk Carnahan. – South St – Map 30, Lot 132;** Public Hearing for a site plan amendment
51 for a change of use to convert a residential property into office space with an existing hair salon.

52 *No abutters were present.*

53
54 Chairperson Langdell recognized:

55 Kirk Carnahan, applicant

56 Lynn Sawyer, owner of 206 South St

57
58 C. Beer made a motion to accept the application. S. Duncanson seconded and all in favor. C. Beer made a
59 motion that this application did not present potential regional impact. S. Duncanson seconded and all in favor. S.
60 Wilson read the abutters list into the record.

61
62 K. Carnahan presented plans dated 3/19/13 and explained that they would like to convert the residential space into
63 a single story office with storage on the second floor. The plan meets all the Development Regulations including
64 parking and everything is already in place.

65
66 J. Langdell inquired where the handicapped access would be for the proposed office. L. Sawyer explained that
67 the existing ramp leads to a common hallway where one can access either the salon or the office through interior
68 doors.

69
70 K. Bauer inquired if the lot was striped for parking. K. Carnahan said the parking spaces are shown but not
71 striped although it is in our future plans. L. Sawyer added that there are concrete bumpers which used to be
72 angled but were changed for winter plowing.

73
74 S. Duncanson said the plan lists nine (9) spaces and one (1) handicapped space but he only sees eight (8) spaces.
75 L. Sawyer clarified that there is a space near the shed that she parks in. T. Sloan suggested that the plan be
76 renumbered to include the space by the shed and not number the handicapped space.

77
78 Chairperson Langdell opened the hearing to the public; there being no comments, the public portion of the
79 meeting was closed.

80
81 J. Langdell brought up two grammatical corrections for note #5 and stated that note #9 should be amended to list
82 the final date and case number for the ZBA variance. She then asked how many employees worked in the salon
83 to make sure there is enough parking for the businesses. L. Sawyer explained that she runs the salon, the others
84 are self-employed and rent stations. She is hoping to go part-time in the future, sharing a station with another
85 part-time person and also add one additional full-timer but there would only be a maximum of three (3) stations
86 operating at any one time.

87
88 T. Sloan asked if there would be a dumpster on site. K. Carnahan replied it would be in the shed and we'd take
89 the trash to the dump. T. Sloan referenced the hand writing on the plan "The parking areas/spaces to be
90 adequately defined and separated from adjacent property." should be a condition of the site plan. K. Carnahan
91 said that was fine and mentioned the other hand written note saying that the entrance and exit signs are presently
92 there but they would like to make them stand out a little more.

93

94 J. Langdell reviewed the staff memo dated 4/16/13.

95

96 T. Sloan made a motion to conditionally approve the application subject to staff recommendation #1, the
97 typographical amendments to note #5, renumbering the parking and defining the spaces as required. P. Amato
98 seconded and all in favor.

99

100 K. Bauer recused herself from the next two applications.

101

102 **Ducal Development, LLC – North River Rd & Mont Vernon St – Map 8, Lot 52;** Public Hearing for a minor
103 subdivision to create one (1) new developable lot in the Residence A District.

104

105 **Ducal Development, LLC – North River Rd & Mont Vernon St – Map 8, Lot 52;** Public Hearing for a major
106 site plan for a proposed twenty-four (24) unit senior housing condominium development with associated off-site
107 improvements.

108

109 *Abutters present:*

110 *Fletch Seagroves, Mont Vernon St*

111 *David Mallows, North River Rd*

112 *Peter Simo, Mont Vernon Rd*

113 *Kathy Bauer, North River Rd*

114

115 Chairperson Langdell recognized:

116 Ken Clinton, Meridian Land Services, Inc.

117 Kevin Anderson, Meridian Land Services, Inc.

118 Erol Duymazlar, Ducal Development, LLC

119

120 Chairperson Langdell read both notices and stated that testimony would be combined and heard concurrently for
121 both the subdivision and site plan applications.

122

123 S. Duncanson made a motion to accept the minor subdivision application. J. Plant seconded and all in favor. C.
124 Beer made a motion that this application did not present potential regional impact. S. Duncanson seconded and
125 all in favor. S. Duncanson made a motion to accept the site plan application. J. Plant seconded and all in favor.
126 S. Wilson read the abutters list for both applications into the record.

127

128 K. Clinton presented the final plans dated 3/18/13 and gave a brief overview of the project to date. The subdivision will
129 create two residential lots, subdividing 15,000SF off for the Hutchinson House and the 24 unit senior housing development
130 will be located on the remaining parcel. The subdivision will meet the regulations requiring both water and the sewer
131 extension, so the subdivision and the proposed site plan will be interdependent on each other. We met with various
132 departments and staff as well as the Water & Sewer Commissioners and the Traffic Safety Committee, all of whom had
133 input. We have submitted application to the State DOT, the Traffic Bureau and DES for the required permits. There are
134 layers of approvals and this design takes all those bits and pieces and input into consideration. We have seen the staff memos
135 dated 4/16/13 and generally concur with all staff comments and recommendations.

136

137 He then distributed correspondence dated 4/16/13 detailing the response.

138

139 Subdivision:

140

- 141 1. We will modify the notes, as requested, to protect 8/52 to clearly have the sewer rights tie-in and will have agreements
142 with the owners. The sewer connection is paramount to that lot's existence and we are able to add that language.
- 143 2. The septic location really was irrelevant as it will be replaced with the sewer tie-in and no formal plans were found. We
144 have a general idea and can show that area to the north and west on the plan but the exact location won't be determined
145 until construction. Although no permit is required to abandon the field, the tank and all materials with effluent will be
146 removed and disposed of properly.
- 147 3. All monuments will be set either by granite bound or iron pin/pipes.

148

149 Site Plan:

1. The Stormwater permit will be issued through the Building Department and compliance with Stormwater regulations is
embedded in our design.

150 2. Per yesterday's meeting, the Water Utilities Department wants us to add sewer service ties to abutters along the
151 extension route to the ROW line. Not just a stub in the main, but all the way to the abutters' property so no further
152 excavation would be needed for future tie-ins. That is a rather costly item but we are committed and agreeable to do it.
153 The question is if there is any way to get some of the connection fees back. Also, some of the details and locations on
154 the mark up plan may have to be modified out in the field dependent on the existing conditions and utilities in the road;
155 however, we are agreeable to work everything out with Water Utilities. E. Duymazlar added that we are not offering to
156 do this, but if it is a requirement, we will do so.
157

158 P. Amato inquired if the sewer would be in the Town's ROW, off the pavement. K. Clinton replied yes for the portion on Rte
159 13 N, but the remainder will be in the pavement.
160

- 161 3. We will satisfy the stub requirement at the intersection of North River Road and explained that we are not sure about the
162 size or if the sewer would be gravity or forced main so this might be a construction modification.
163 4. All items have to be approved by Water Utilities.
164 5. There will only be two (2) easements; a drainage easement giving the town rights to maintain but not the responsibility
165 to maintain this, as it is the responsibility of the association, and a drainage & ROW easement to provide for future
166 alteration of the intersection should the state want to do so. All documents are being drafted.
167 6. All utilities will be underground and note #10 has been revised.
168 7. While we have shown natural gas being extended on the plan, the final design has not been included on the internal
169 sheets #10 and #11. That will have to be determined and approved by National Grid.
170 8. Note #19 references all the permit and approvals needed; the numbers and expiration dates will be added.
171 9. We will add a note stating that 8/52 does not lie within the Groundwater Protection District.
172 10. These recommendations are repetitive and have all be addressed.
173 11. These recommendations are repetitive and have all be addressed.
174 12. These recommendations are repetitive and have all be addressed.
175 13. The two easements have already been described and are clearly shown on our plan.
176

177 In addition to the items that staff has recognized, there are four others:

- 178 1. We had considered turning the carports into garages for more secure storage, per the previous discussion during design
179 review; however, garage space does not count as legitimate space per this ordinance so if we converted those carports
180 into garages, we'd be eight (8) spaces shy of the requirements. We would like to retain those as carports and will provide
181 locking cabinets on the back wall to fit bikes and have some storage space above. Any notations referring to garages
182 should be changed back to show carports.
183 2. The architectural on sheet #5 will be revised to show that units 17 and 22-24 will have one man door for egress for fire
184 safety purposes and will not propose any French doors or sliders.
185 3. We provided the NH DOT Traffic Bureau with three options for crosswalks, as discussed during design review, but they
186 came back with none of the proposed locations. The crosswalk has been moved as referenced on plan CW-1. They want
187 it closer to the utility pole which has a light on it, located just beyond the driveway to alleviate the potential for an unsafe
188 situation.
189

190 J. Langdell inquired about the second preferred location for the crosswalk. K. Clinton said it was located across from the
191 gated access but that same less safe scenario would still be present.
192

- 193 4. We reserved a location for the proposed entrance light and sign but there is no design yet. We have to comply with the
194 ordinance and will obtain a sign permit.
195

196 We have to make sure the plan is fully recordable so there might be some possible minor clean ups to the plan. We will make
197 and submit a list for staff.

- 198 5. Page SP-1 listed 4.6% for the clubhouse but that is incorrect and the final values will be revised. E. Duymazlar clarified
199 that the total square footage for finished units is 24,994 SF. 5% of that would be 1,250 SF and the space we have
200 allocated for the community room is 1,410 SF (1,536 SF, less 120 SF for the downstairs mechanical room) so it is
201 greater than 5%. That area includes the hallway, the community room, the up/down area and the bathrooms. We've
202 incorporated an open stairway and there is a kitchenette on the upper floor and fully accessible bathrooms on both levels.
203

204 Board comments:

205
206 T. Sloan inquired about the limited common area. K. Clinton explained that there is the unit structure, and then the limited
207 common areas associated with that unit such as the parking area so there is a hierarchy for the unit owner but it is all part of
208 the condominium documents. T. Sloan inquired about the carport details. K. Clinton stated that the details are on Sheet 5.
209 The internal width is 11'4" with a depth of 24'. The overall exterior dimension is 48' for four (4) bays.

210
211 P. Amato inquired about the architectural details of the carports and asked if they could be made to look more like a carriage
212 shed without doors for the carport. E. Duymazlar said they could clip the corners of the front pieces at a 45 degree angle.
213 The side façades will be clapboard with a window. K. Clinton noted that the architectural renderings were submitted during
214 design review and the condominium architectural are shown on Sheet 5. Any changes to the elevation view will be reflected
215 for the garages/carports.

216
217 J. Langdell suggested that notes 6 & 7 on page 4 be corrected to reflect map “8”, lot 52-1. J. Langdell referenced the staff
218 report and inquired if the barn would be razed. E. Duymazlar said the foundation of the barn will be preserved and the
219 1970’s timber frame will be dismantled and used elsewhere.

220
221 J. Langdell then read the memo dated 4/16/13 from the Conservation Commission and noted that there is no sidewalk on
222 Mont Vernon St. P. Amato asked if there was access to the Mayflower Town Forest from Mont Vernon St. After some
223 discussion on the matter, it was noted that the Planning Board will be working on a sidewalk master plan and that might be a
224 key area to consider. K. Clinton stated that the other request pertaining to painted demarcation of the roadways was
225 considered early on, but we didn’t pursue that because this was such a small private development that we were allowing the
226 residents to walk on the drives themselves. This is closed to the public and the 20ft road width would not support 2-4 ft
227 worth of designated walking area. And at this time, it’s simply not feasible. S. Duncanson asked how the general public
228 would be kept out of the area. K. Clinton said other than for visitors, this will be a closed dead-end, private complex and
229 once someone leaves town property, they will be entering private property. P. Amato referenced Sunset Circle and said that
230 seems to work adequately.

231
232 P. Amato inquired about the comments from the Heritage Commission regarding the retaining wall. J. Langdell noted that
233 Steve had brought this up during design review as well. K. Clinton referenced Sheet 4 and said that the wall goes from 2-3 ft
234 at North River Rd to 8ft where it connects with the barn foundation. P. Amato said he likes that the owner would be able to
235 do maintenance with its current location but it is peculiar that the wall goes on both lots and has two owners. K. Clinton said
236 it is an existing condition that they have to work with. That wall is a part of the barn’s foundation but the main reason for the
237 property line location is due to maintenance of the wall. The buyers of the Hutchinson House can decide to buy or not buy
238 the property with this condition and it is most appropriate to have that retaining wall accessed by the down slope for
239 maintenance. Moving that wall over would require a substantial amount of funds and would prevent that owner from
240 maintaining the face of the wall which is critical to the function of a retaining wall. While I understand the thought process
241 and previous comments, the lot meets all requirements, is appropriately sized and this is the most appropriate location for the
242 lot line. J. Langdell added that road frontage plays into the location of the lot line as well. P. Amato asked if the condo
243 association would be able to mow right up to the retaining wall unless the homeowner was to put up a fence and block off
244 that 8 ft. K. Clinton said there weren’t many plantings in that area and they could add a note on the plan and include in the
245 condo documents that the condo association is responsible for the grass and landscape maintenance up to the retaining wall
246 which would not preclude the homeowner from maintenance as needed. S. Duncanson said he still agrees with the Heritage
247 Commission comments and sees this as a future conflict. Discussion followed.

248
249 K. Clinton referenced Sheet 16 for the landscaping details and said there will be a substantial change when the trees come
250 down and there will be a time period until the vegetation matures where this site will be exposed. We relied on Randy
251 Knowles’ expertise for reasonable sizes and density to adequately replace the buffer. There will be some plantings adjacent
252 to the actual drainage area so we will have to size that for normal drainage and the fifty year storm but that will be in the
253 buffer easement.

254
255 J. Langdell noted that Jodie met with the County Forrester, Jonathan Nute, as requested by the Board, and there is a letter
256 dated 3/21/13 in the file. He is clear on the details related to the construction and proposal that 36 white pines ought to come
257 down for safety and longevity purposes.

258
259 P. Amato wanted to be clear that there is significant buffer especially for the abutting properties to the west. E. Duymazlar
260 stated that he met with the Mallows and we did go over a landscape plan for that area. There are some trees on their property
261 that they may want removed and we are open to taking them or other trees down from a safety aspect. We want that area to
262 look good for the abutters as well as our buyers and we will work with them to accomplish this. From Mont Vernon Rd, this
263 area will be open for a period of time. P. Amato referenced the Currier Storage Units and said those trees really did their job
264 as buffer for the Quarry Condos. J. Langdell also referenced the PSNH facility on Elm St and said those white pines planted
265 in the 1960’s are still a good blockade. S. Duncanson inquired if the stumps would be removed for the abutter. E.
266 Duymazlar said we talked about that; whatever we would disturb would be replaced with a loamed area but we wouldn’t
267 landscape that area.

268
269 Chairperson Langdell opened the public portion of the meeting.

270 P. Simo inquired about the size and hours of the proposed lighted sign. K. Clinton reiterated that they were only showing a
271 location for a proposed lighted sign. The specifics have not been set yet. E. Duymazlar added they have no intention of
272 bringing in an internally illuminated sign. It would be illuminated either from the top or the ground and probably be carved
273 or painted wood. It wouldn't be a big sign, but it would be lit all night long using low lighting. P. Amato suggested that they
274 address this with the neighbors prior to pulling the permit. E. Duymazlar offered to put a note on the plan that it meet the
275 lighting requirements as discussed and will not be internally lit. K. Clinton said the proposed lighted sign at the entrance
276 shall be approved by separate application and will not be internally lit.
277

278 K. Bauer made several inquiries:

- 279 • The process and schedule of the landscaping; would the trees be removed all at once or in phases? E. Duymazlar said
280 they would be taken down all at the same time; we would stabilize the land and put the infrastructure in. The main
281 infrastructure would go in but the construction will be phased, so the new landscaping would be done around that
282 schedule. We would like to put all the landscaping around the common areas in up front, provided that was the sensible
283 way to do it. The landscaping around the periphery of the lot could theoretically be done up front, but we can't commit
284 to that due to variables with the utilities and we may not put every tie in right up front. We might phase that with the
285 building construction or wait until we finish grading. Conversely some of the larger ones might need to go in due to
286 space constraints behind the proposed units and the smaller shrubs might go in later. K. Clinton said the perimeter buffer
287 would most likely be sporadically installed based on the back construction of some of these units but the goal, by in
288 large, is to have the buffer replaced as soon as possible and installed in a fashion that it is protected, it is safe and it will
289 stabilize everything. K. Bauer asked if it would be possible that the early owners would be living there with several
290 holes in the proposed perimeter in an area where there is a lot of frontage on two busy state roads. K. Clinton replied
291 yes, that is the nature of any construction. K. Bauer reiterated the importance of screening along Mont Vernon St. E.
292 Duymazlar said he is a marketing person and he has a vested interest in satisfying his customers. There is a possibility
293 that the buffer won't be complete or mature; he can't predict the sales or the timing of this project. K. Bauer stated that
294 she didn't question the intentions for the completion of the development, but homeowners might have to wait quite a
295 while for proper screening from a lot of traffic, light and noise near their unit.
- 296 • Will the screening be all season, like white pines? K. Clinton replied that there will be a mix of hardwoods, maples and
297 oaks interspersed with white fir, blue spruce and the white pines. He reviewed the landscaping details.
- 298 • Would the infrastructure, including the paths, be put in place prior to building the units? E. Duymazlar reiterated that the
299 main infrastructure would go in but he didn't have the answer as to the paths.
- 300 • When would the sewer extension work begin and how long would the work take, as this would be a major disruption on
301 the road? E. Duymazlar said the schedule is market driven. If it is still moving at the current pace, we would want to get
302 started this summer. In regards to the timeframe, we haven't even put the project out to bid yet so he was not sure but
303 once started we would want to move as fast as possible. K. Clinton added that there were too many variables with
304 materials, soils and the coordination between the State, the Town, and National Grid. This will have to happen as fast
305 and efficiently as possible.
- 306 • Will the existing two street lights and four lamp posts be enough lighting for the project; it seems as if it will be pretty
307 dark during the winter. Also will there be lighting on the carports? K. Clinton said they didn't envision that the carports
308 would have individual lights but it would be reasonable to put a lamp fixture at the center of each of the carports. P.
309 Amato inquired if there would be electricity in the carports and suggested that the lights could be motion sensor. E.
310 Duymazlar said electricity would be good but we would have to look at the logistics of who would pay for the ongoing
311 cost. After further discussion, it was determined that there would no electrical outlets in the units but there would be
312 lighting for each carport. C. Beer brought up the lack of lighting at the walkway near unit 24. K. Clinton said that they
313 could add a light post at the corner of the parking off unit 21 and a light post in the vicinity of the walkway between the
314 two garden areas. K. Bauer asked what the glow color of the lighting would be. K. Clinton said they haven't thought
315 out that level of detail.
- 316 • Where is the location of the dumpster? K. Clinton said it is opposite unit 23. J. Langdell noted it was well protected
317 with a fence and landscaping.
- 318 • Where is the stop sign location? K. Anderson said it was referenced on SP-2, sheet 8 and located near Mont Vernon Rd.
- 319 • Note #2 on page 4 states that the location and architectural details may be modified. Would the location of the units
320 actually be moved. K. Clinton said the unit footprints are well set based on the infrastructure and landscaping; however,
321 there may be some internal changes based on the individual buyers' preferences.
- 322 • The NH DOT's new crosswalk location makes sense. Has the Traffic Safety Committee seen this new location and do
323 they have an opinion? J. Levandowski referenced the Traffic Safety minutes and noted that the concern was the location
324 of the access and nothing was brought up about the sidewalk or crosswalk. There was a brief discussion regarding
325 pedestrian safety.

326
327 K. Bauer said the developer has good ideas and has conscientiously gone through all sorts of hoops but this development will
328 be in Milford for a very long time. It is a very dense development and now it has two more carport units which make it even

329 more dense building wise so there will be 16 new buildings plus the existing barn on a little over four acres of land before
330 you subtract area by the Y intersection. I look at the potential open space and see the community green which is a very good
331 idea and the rain garden, which is hardly quiet and hardly private. This development legally meets our open space
332 requirements but that includes the common areas around the units which are counted as green space. Our definition of open
333 space is anyplace a resident feels comfortable walking, sitting or whatever and if I lived here, I wouldn't feel comfortable
334 taking my lawn chair and putting it on common land near someone else's unit. The Planning Board has the authority to
335 decrease density and this was discussed when the ZBA met with this Board to discuss the respective roles for each board.
336 The ZBA was assured that the Planning Board would really look at the density here and I don't think that happened. It is late
337 in the process now and the two carports add even more building density. You have got to be up close to the topography on
338 this four acre parcel of land to appreciate it. She then described the existing conditions of the property.

339
340 Chairperson Langdell closed the public portion of the hearing.

341
342 T. Sloan brought up the acreage for 8/52-1. K. Clinton confirmed that it is 4.234 acres and that the density is 30 bedrooms
343 per acre, per ZBA decision and this is well under the allowable. J. Langdell clarified that the density for senior housing is 30
344 bedrooms per acre of useable land. K. Clinton said we did remove some of the slopes from the calculations but the maximum
345 number of bedrooms allowed by the regulations is 120 bedrooms and we have 40, 1/3 the allowable density. E. Duymazlar
346 added that the ZBA allowed us 48 bedrooms or 24 units. P. Amato said it is this Board's prerogative to discuss density and
347 this project is more dense than what is there now. This will be a change but the developer is building a neighborhood that
348 will look nice because the units will not all look exactly the same and because it is close to downtown where residents can
349 walk to band concerts, the pumpkin festival and shops. In other areas of the country, this would not be considered dense
350 being this close to town. J. Langdell said this is a development in our downtown area and the walkability for the population
351 this is being targeted to is a real plus. Would this be more dense than Ledgewood or Cahill Place? T. Sloan said he could
352 appreciate Paul's comment regarding building a neighborhood and has grown to look at this project as a benefit to the
353 community that has the potential of being the premier development in the community. There will be disruption to the
354 community from the infrastructure and roadwork and aesthetically it could look severely disagreeable when the trees
355 disappear, but there is potential for improvement from what it looks like now. P. Amato added that we have a developer who
356 is willing to put the sewer and natural gas in. J. Langdell said she respects that the existing tall pines block some vision, but
357 they shed their bottom boughs and you can see that field now when you drive on Rte 13, so this will be an improvement to
358 have the variety of vegetation that will fill it in a little more in the long run. S. Duncanson inquired if there would be gas tie-
359 ins along with the sewer tie-ins? K. Clinton said National Grid can weigh in after tonight's meeting and they would surely
360 want to add tie-ins for additional customers along the way. It would be in their best interest to make it easier for people to tie
361 in. A brief discussion pertaining to sewerage hookups, connection fees and regulations ensued.

362
363 J. Langdell brought up the waiver request. K. Clinton explained that they included this request as a waiver from the Senior
364 Housing Ordinance, Section 7.07.4:F.2, but it is really a modification allowed by the Ordinance. The regulations require 30'
365 side and rear setbacks when the normal setback for this zone would be 15' and we are proposing a 23' setback to the property
366 line for the barn foundation that we are trying to save and utilize. Under these circumstances, we're seeking to have the
367 Planning Board recognize the reasonable setback in this particular location. The future buyers will be notified of this
368 modification. A brief discussion on waivers and process followed.

369
370 S. Duncanson said the plan only shows that the main drive is being named. Are all the roadways part of Hutchinson Dr? K.
371 Clinton said we did propose this to staff and felt that from an emergency response aspect it would be best to have a single
372 name for the drive and then the unit number would coincide with the street number. We did not get any feedback, so we
373 proceeded. P. Amato said that way this could be looked at as a development name in addition to the road name because they
374 will not be town roads and it makes sense. J. Langdell agreed it is a good point. K. Clinton said we also will place unit
375 directional signs 1-13 and 14-24. J. Plant agreed that this is a great way to instruct the visitors.

376
377 J. Levandowski brought up several items for discussion.

- 378 • Eric Schelberg requested, at design review, to add a directional sign showing units 10-13.
- 379 • In regards to the proposed lighted sign at the entrance to the development, this parcel is in the Residence A district and
380 signage for a parcel of five acres or less would be a maximum of 6 SF. If they wanted to go for a larger sign they would
381 have to go before the ZBA for a variance.
- 382 • Some of the Water Utilities requests may need to be addressed prior to Board approval of this application and they may
383 need to sign off and meet with the developer to get everything squared away. J. Langdell said the alternative would be to
384 add a condition that all agreements with Water Utilities be worked out. J. Levandowski stated that from discussion
385 tonight, there may be two different views of expectations from what the developer is willing to do and what Water
386 Utilities is asking them to do. She would like further clarification of where things stand and the outcome of yesterday's
387 meeting. J. Langdell said that Fred Elkind stated in the last iteration of this plan that he wasn't planning to comment
388 further and was waiting for the DES process to happen; however, in your memo from the meeting, he had no further

389 comments at this time. J. Levandowski stated that he and I reviewed the AoT drainage permit prior to its submittal to the
390 state. Ken did add in the requested rain gardens and certain alterations were made so Fred felt comfortable with the
391 comments he supplied to Ken and then it went to the state.
392 • The maintenance of the rain gardens shall be the responsibility of the condominium association and that be added to the
393 condo documents,
394 • The plan be modified with the addition of a fifth or sixth light post,
395 • A note be added for the type of locking mechanism on the gate; it needs to be a unit that both Fire and Ambulance will
396 be able to access and a note that it be shared access through the Knox Lock,
397 • Note #15 on sheet 1 be revised to add that all lighting shall be downcast and discussion ensued regarding the residential
398 lampposts.
399

400 K. Clinton stated that he was not present at yesterday's meeting with Dave Boucher and Brad Whitfield of Water Utilities,
401 although Erol, his partner and Kevin were there. They discussed the sewer extensions that go all the way to the property lines
402 at full cost to the developer, the possible cost sharing of that work, and the possible location and sizes of the stubs up North
403 River Rd as well as Rte 13. Some of these are construction related items, that while we agree in principle, not all of these
404 items are set in stone until construction. We are committed to resolve these items and we recognize that Water Utilities will
405 have to sign off on everything. P. Amato said we want to know what they can ask you to do and what you are agreeing to do.
406 K. Clinton said for example, they have an upper threshold for the main at North River Rd and if it won't fit we will either
407 need to move it or reduce it in size which we could probably do because they wouldn't need a 15" main to serve two
408 properties. If it were a forced main we don't need the invert at that depth. If Water Utilities feel that's the best option, then
409 that's what we do, so ultimately they have the final decision and if we don't meet their requirements, we don't have sewers.
410 If we don't have a sewer extension, we don't have a project. E. Duymazlar said we left the meeting with an agreement in
411 principle and the sewer department sort of left it to Kevin to design what will work and we know where we are starting and
412 where we are stopping. The other outstanding questions were related to how far we are responsible for extending a line into
413 or to somebody's property. I'm still not comfortable with the answer we got. We will meet their regulations but I want
414 somebody to show me those regulations before I commit to spending the money to take it as far as they might want. We'd
415 prefer some flexibility if it's not. We had anticipated and are more than willing to put the stubs in. K. Clinton said from a
416 plan standpoint we will have to revise sheet SP-7 to show how that will occur along with the results of the meeting although
417 the tie-in locations are more of a construction matter than plan design.
418

419 P. Amato made a motion that the Board agree to modify the Senior Housing setback requirement of 30ft. T. Sloan seconded
420 for discussion noting that it would not be in violation of the 15ft setback of the underlying zone. A vote was called and all in
421 favor.
422

423 P. Amato made a motion to grant conditional approval for the minor subdivision subject to the three staff recommendations.
424 C. Beer seconded for discussion. J. Langdell suggested that a note be added stating that this approval is conditional upon the
425 extension of sewer. P. Amato amended his motion to be contingent upon extension of the sewer. C. Beer seconded the
426 amendment and all in favor.
427

428 J. Langdell said the following conditions will need to be incorporated into the motion; Ken's memo dated 4/16/13, and Staff
429 recommendations from the Staff Memo dated 4/16/13.
430

431 T. Sloan asked if Jodie was aware of yesterday's meeting. J. Levandowski replied that she was aware of the meeting but she
432 has not received correspondence from Dave yet and that is where any discomfort comes from. S. Duncanson suggested
433 waiting to hear from Water Utilities before we proceed with this application and discussion on the sewer requirements
434 ensued. J. Langdell stated that this approval is conditional upon DES approval, conditional upon a stormwater permit being
435 approved, and the Alteration of Terrain approval, so it could be conditional upon final agreement between the developer and
436 Water Utilities relative to the extension. S. Duncanson asked if the minutes from tonight are legal and binding for the
437 comments discussed tonight. J. Langdell replied no, but she doubts that this developer would say something on record that
438 he wasn't going to stand by. J. Plant added that they need the sewer to build the project. K. Clinton referenced note #4 on
439 the Staff Memo and said it clearly states that the sewer and water revisions shall be approved by the Water Utilities
440 Department. E. Duymazlar said that note could be revised to add "All sewer and water revisions shall be approved by the
441 Water Utilities Department, provided they meet their regulations." T. Sloan said there are certain legal remedies if there is
442 disagreement that are beyond our review and consideration.
443

444 J. Langdell asking if staff had a complete list of all conditions that are outstanding or discussed tonight. J. Levandowski
445 replied no and she was not comfortable with that at this time. Discussion followed.
446

447 J. Langdell asked if the Board was comfortable with the one crosswalk as designed and approved by the State Traffic Bureau
448 and if there was any interest in pursuing a second crosswalk further up at the gated entrance. P. Amato said the problem with
449 putting a crosswalk over to the MCAA fields is that crossing from the south to the north, there is plenty of sight distance both

450 ways because you are on an outside of the corner, but when you are going from this development across, the sight distance
451 isn't that good. He is not sure he'd want to encourage people that it was safe to cross there. T. Sloan said we've actually
452 heard public comment from someone living in the vicinity that there is concern with crossing at that location as well. C. Beer
453 agreed that it didn't seem like a suitable place for a crosswalk due to sight distance restrictions. There was consensus to not
454 pursue a second crosswalk.
455

456 C. Beer stated that he was not comfortable approving the site plan application with this many conditions but would defer to
457 the chair. The onus would be on staff to make sure the conditions have been met and staff has already indicated that they
458 were not comfortable that they have captured every note. J. Plant asked what we would accomplish in having them come
459 back. P. Amato said he didn't see any note that was necessarily problematic, but the only problematic thing is if we have all
460 the notes.
461

- 462 K. Clinton stated that in addition to Jodie's staff memos and expanded by my letter dated today, we agreed that:
- 463 • We'd add two single lamp posts; one near unit 21 and one near the garden area opposite unit 24,
 - 464 • We agreed to electricity in the two carports to provide exterior and interior lighting but not necessarily additional outlets
465 for limited common area use,
 - 466 • We agreed to identify rain garden maintenance within the condominium documents,
 - 467 • We agreed to add notes clarifying that the gate would be locked with a Knox lock,
 - 468 • We agreed that the sign will be approved by a separate application and that it will not be internally lit,
 - 469 • We agreed that the carport façade, the entrances of each bay would have "clipped" corners,
 - 470 • An additional directional sign for units 10-13 would be added, per the EMS request,
 - 471 • We did offer as a gentleman's agreement that Erol would share the design of the sign and lighting with the immediate
472 abutters, as an act of goodwill.
 - 473 • We will correct the map numbers on notes 6 & 7 on sheet 5 and note 2 on sheet 3 to show "8" not 5/52-1,
 - 474 • The condominium association shall be responsible for the landscaping maintenance up to the retaining wall,
 - 475 • Note #15 sheet 1 be changed to state that all lighting shall be downcast.
476

477 P. Amato made a motion to approve the site plan application subject to the conditions discussed and listed tonight. J. Plant
478 seconded. K. Bauer, P. Amato, T. Sloan, J. Langdell, C. Beer, and J. Plant voted in the affirmative and S. Duncanson voted
479 in the negative. The motion carried by a vote of 6-1.
480

481 **OTHER BUSINESS:**

482 **Nomination of officers:**

483 P. Amato made a motion to nominate Tom Sloan as vice-president. J. Plant seconded and all in favor with T.
484 Sloan abstaining. P. Amato made a motion to nominate Janet Langdell as chairperson. C. Beer seconded. J.
485 Langdell asked if there was any other interest; there was none. T. Sloan called for a vote and all in favor with J.
486 Langdell abstaining.
487

488 **Distinguished Site Award Program:**

489 J. Langdell brought up the distinguished site award program and listed the past recipients; Ciardelli Fuel, Milford
490 Veterinary Hospital, and the French House. We are looking for business sites in town that you think are attractive
491 and exemplify Milford. The public is encouraged to participate and submit nomination forms by the end of May.
492 More information can be found on the town's website at www.milford.nh.gov and in the Community
493 Development Office at the Town Hall.
494

495 **NH Listens Event**

496 NRPC is sponsoring this event on Tuesday 4/30/13 at 6:00pm at 60 Temple St in Nashua. This is part of their
497 regional planning process and they are looking for participants to talk about what improvements they'd like to see
498 in our region and what would make this a great place to live, relative to land use, housing, transportation,
499 economic development and environmental issues. If you'd like to attend, please call NH Listens at 603 862-0692.
500

501 The meeting was adjourned at 9:45pm.
502

503 **MINUTES OF THE APR 16, 2013 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2013**

504 Motion to approve: _____
505

506 Motion to second: _____
507

508 _____ Date: _____
509

Signature of the Chairperson/Vice-Chairman:



STAFF MEMO

Planning Board Meeting

May 21, 2013

Agenda Item #2: DeGroot. – 30 Union Street – Map 25, Lot 53;

Public Hearing for a minor site plan to convert a single family residence into a 3-unit residential dwelling in the Commercial “C” District.

Property Information:

The property is located at 30 Union Street in the Commercial “C” Zoning District. The site is currently improved with an existing 2-story Single-family structure and partially finished attached barn. The site is approximately 11,325 SF (0.26 acres) in size and has 65 feet of frontage along Union St. The property is serviced by both municipal water and sewer.

The property is narrow and lies fairly close to the edge of pavement along Union St. The front of the residential structure is landscaped with a small grass area and several small shrubs along the buildings frontage. A mature flowering tree is located south of the main building at the barns entrance along with a small garden area improved with low flowering plants.

The property is located partially within FEMA flood zone AE with the existing house lying outside the flood hazard area. The site is also located within the Level I Groundwater Protection district.

Background:

The applicant is before the Board seeking approval for a change of use from a single family residential dwelling to a 3 unit multi-family dwelling within the Commercial “C” District. In accordance with Section 5.05.1 of the Milford Zoning Ordinance, two-family and multi-family dwellings are an acceptable use in the “C” District.

On April 18, 2013 the applicant received a variance from Article 5.03.0 Section 5.03.6.A & B of the Zoning Ordinance to permit a 3-unit residential property in the “C” district on a lot that does not meet the minimum area and frontage requirements and setbacks as required for the change of use.

As determined by the Zoning Board by a unanimous vote to approve, the proposed change of use will not cause adverse effects on the surrounding properties. There will be no physical changes to the site following the change of use. The property would fit in and blend well with the present and

immediate neighborhood which is predominantly made up of well-maintained multi-unit dwellings.

A proposed parking plan has been provided for the Board's review on the site plan. The proposed parking layout requires expansion of the existing driveway and removal of the front entrance tree and garden area. The width of the existing driveway is 18 feet and meets the minimum 9' x 18' requirement.

In accordance with the Town's Development Regulations, a landscaped buffer shall be at least ten (10') feet in width and six (6') feet in height to effectively screen from adjacent properties and may consist of evergreens, berms, mounds, fencing or combinations thereof in conjunction with complimenting shrubs and perennials. Given the close proximity of the neighboring home a buffer of this size cannot be accomplished. The applicant is willing to work with the Board to discuss potential options for a buffer between lots 25/53 and 25/54.

The application is complete and ready to be accepted at this time. The Board will need to make a determination of regional impact. Please find the attached site plan.

Interdepartmental Reviews:

Fire Department: In reference to this proposal, the applicant will need to meet the requirements of the NH State Fire Code, NFPA 101, Chapter 30 (New Apartment Buildings) which may require the installation of a 13R sprinkler system.

Building Department: The applicant will have to make modifications to the building in accordance with the 2009 international building code and 2011 National electrical code. This includes but is not limited to fire separation and utility separation.

DPW: No issues as related to DPW. Both driveway curb cuts exist therefore DPW has no issues with them.

Water Utilities: How many curb stops and water meters are proposed? And what is existing for the sewer and are any upgrades planned?

Also, our regulations say anything greater than a duplex would be billed a commercial sewer rate which is a slightly higher rate than residential.

Zoning Administrator: Parcel is zoned "C" Commercial and multi-family dwellings (3+ units) are an allowed use based on Residence B lot size and frontage requirements (minimum 20,000 SF/150' frontage). Three units, by zoning, would require 26,136 SF (5 units/acre = 8,712 SF/unit. 3 x 8,712 SF = 21,136 SF.)

The existing structure is legal non-conforming due to lot size, frontage and setbacks. A change of use to a non-conforming structure necessitated a variance. Neighborhood consists of many multi family structures on non-conforming lots.

Staff Recommendations:

Staff has no significant issues with the plan as presented. The Board should discuss with the applicant the proposed buffer between the parking area and the neighboring residence to the south. The Board should also discuss the parking layout with the applicant along with the need for any guest parking. There are no details for the storage/removal of snow or rubbish shown on the site plan. Staff recommends the Board discuss the method for snow storage proposed and the means of rubbish removal.

If the Board decides to approve the site plan application, staff would recommend the following conditions of approval:

1. A complete list of all names and addresses of all current abutting property owners be added to the plan.
2. Should a dumpster be located on site the provisions for storage and removal of rubbish must be located on the site plan.
3. A note be added to the plan describing the methods used for snow storage/removal or have snow storage areas be delineated on the plan.
4. Applicant work with staff of Water Utilities, Fire and Building to address any questions or concerns and all required plans be submitted prior to final issuance of certificate of occupancy.



Town of Milford

ZONING BOARD OF ADJUSTMENT



May 3, 2013

Kevin deGroot
99 Federal Hill Rd.
Milford, NH 03055

ZBA Case #2013-05

Town Hall
1 Union Square
Milford, NH 03055-4240
(603) 249-0620
Fax (603) 673-2273
www.milford.nh.gov
TDD Access:
Relay NH 1-800-735-2964

You are hereby notified that Case #2013-05, a variance requested by Kevin deGroot, owner of 30 Union St, Map 25, Lot 53, in the Commercial district, from Article V, Section 5.03.5:A.1 and 5.03.6:A & B, for a 3-unit residential property on a lot that does not meet the minimum area and frontage requirements and setbacks as required for the change of use, was unanimously approved on May 2, 2013 as the request met all the criteria for a variance.

The following condition applies:

- The applicant shall refer to the Planning Board for parking and buffer recommendations.

In accordance with NH RSA 677:2, application for a rehearing in this matter must be received by the Board of Adjustment prior to close of business (4:30 p.m.) on June 3, 2013.

In accordance with Article X, Section 10.060, this variance is subject to expiration, if within one (1) year after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by the variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.

Sincerely,

Mindy Lavallee
Office of Community Development

CC: Dana MacAllister, Building Inspection/Code Enforcement/Zoning
Marti Noel, Assessor