

1 MILFORD PLANNING BOARD MEETING MINUTES ~ APPROVED

2 December 4, 2018 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman
6 Christopher Beer, Vice Chairman
7 Tim Finan, Member
8 Paul Amato, Member
9 Susan Robinson, Member
10 Janet Langdell, Member
11 Jacob LaFontaine, Alternate member

Staff:

Lincoln Daley, Community Dev Director
Robin Lunn, Zoning Administrator
Darlene Bouffard, Recording Secretary

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13 **Excused:**

14 Veeral Bharucha, Alternate member
15 Kevin Federico, BOS rep

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18 **1. Call to order:**

19 Chairman Knott called the meeting to order at 6:30 p.m., introductions were made of Board members and
20 staff. Doug Knott indicated the Board is currently looking for an alternate member and a full member for the
21 coming year. Chairman Knott indicated that Jacob LaFontaine is an alternate member, will not vote this
22 evening, but will participate in the discussion at the table.

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24 **2. Public Meeting**

25 a. **Section 7.06 Sign Ordinance** – Robin Lunn, Zoning Administrator, explained that Electronic Message
26 Center (EMC) is being incorporated into the sign ordinance because it is being done more and more.
27 Language is being adopted in a more concise way in this ordinance. There were a lot of changes made to
28 clean up the ordinance. The definitions have to do with EMC. When working on the sign ordinance, Lincoln
29 Daley and Robin Lunn went through the template and pulled from the template what is applicable to Milford.
30 Vehicular signs that are on parked vehicles are not considered “signs” because they are usually used on the
31 vehicles used for the business. Doug Knott asked how that is assessed for signs? Janet Langdell said trailers
32 in town that are parked and never moved sometimes have a sign, it becomes an enforcement issue to decide
33 how much time the motor vehicle can remain stationary, if it is parked and never moves, then it should be
34 considered part of the signage. If the vehicle is strictly parked and never moves, it might be a simple
35 conversation with the business owner. Robin added that if the vehicle is coming and going on a regular basis
36 is considered a business vehicle. Janet Langdell added that it becomes a professional judgement. Doug Knott
37 is hesitant about regulations that are vague. Milford tries not to over-regulate; Janet said we have to be
38 reasonable. Jacob Lafontaine said the zoning administrator enforces the ordinance. Janet said someone in the
39 Community Development office could explain to a new person how the ordinance is enforced. Robin said we
40 go look at the record and see if there is a precedent set. Robin said the Planning Board needs to help regulate
41 for the sign ordinance.

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43 The time it would take to monitor the sign ordinance in town would take two full time employees, said Paul.
44 If someone complains, it might be looked at. Janet said town staff needs to have something legal to fall back
45 on. Robin agreed. When things become a big deal, it gets dealt with, in order to meet code, which is the
46 ordinance. Doug asked about signs inside a building, is that considered? Robin said if it is inside the
47 building, it is not considered a sign. The town needs to be ahead of something such as menu boards.
48 Currently decal signs are not regulated and they are easy for any business to get. Doug asked about the
49 apartment on South Street, that has an old sign that is not used, and he thought it was a condition of the
50 Planning Board approval that the sign would be taken down – it is still up. Robin was not aware it was a
51 condition of the approval and will check into that. Lincoln arrived at 6:50 p.m. Robin indicated that NRPC
52 recommended a lot of the changes in the sign ordinance to allow people to navigate through the ordinance.
53 Robin will create a document that is a tool to give people which will include a graphic.

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55 The language in 7.6.6 was taken from a legal decision and was provided by NRPC. The case was a city that
56 regulates types of signs and there was a church that sued, and the result was that towns cannot regulate based
57 on content (of a sign). Robin noted the “oval proper” has a separate sign ordinance. Chris Beer said the town

cannot regulate based on content so we cannot prohibit any type of content, but what about, for example, the drive-in that advertises another business in the off season? Robin stated what people are doing with signs is changing, so if a business can make money by advertising other businesses, let them do it. The EMC technology is changing fast, hi-def digital signs are coming in. We want to work within what Milford wants to see.

In the Best Practice Standards for signage, Janet wants to be sure that safety is addressed in the sign ordinance, specifically in the oval district. Lincoln suggested that be used throughout town. Janet noted we do not want to end up looking like South Willow Street. Robin explained that the sign (making) companies need to be very clear about the town regulations. Janet asked why Rite Aid signs are darkened at night but CVS is not? Robin said some companies have that in their regulations. Janet noted this is the first time this group has gotten this far in the changes for the sign ordinance. Paul Amato commented that Robin did a great job, it is hard to know what was changed in the new review copy. Janet suggested taking the new language and compare it against the existing version. Lincoln will work with Robin and get the changes better identified. This needs to be ready to be on the ballot in 2019. Lincoln said January 4 is the last day to advertise for a public hearing. December 18, the Planning Board needs to be ready to move forward, January 8 is the next Planning Board work session. Paul Amato asked if a paragraph could be drafted just to address the lawsuit for the 2019 sign ordinance and then address all the other details for the following year? Lincoln said a lot of work has been put into this but he really does not want to work on it again next year. Robin said there were many changes that were included in the amendments that came from the lawsuit. On December 18 this needs to be wrapped up. The last date to hold the first public hearing would be January 14. Robin can better identify what has been changed for the Board.

b. 10.02.3 Home Occupations. Robin explained this change makes Home Occupations a four tiered process. For most home occupations, it will be dealt with administratively on the first tier. The goal is that most applications will not need to go to the Planning Board or Zoning Board of Adjustment. The impact of the home occupation is mostly around deliveries and traffic. The ZBA does not have oversight for the Conditional Use Permit (CUP) which is issued by the Planning Board. Paul Amato feels that Home Occupations will be more difficult to do. Each situation is different. Robin said that is why it is under Conditional Use. The Home Industry has a much bigger impact in Res A and Res B you do not want a high impact business working out of a residence. Janet asked where the Planning Board can say it cannot be done? Lincoln stated that is in the Conditional Use Permit section that specifies it as a condition of use.

Janet asked if the language is strong enough or do we need to modify this language for the CUP? Robin thinks this is sufficient. Lincoln said the solar ordinance has additional conditions that must be met. Paul asked about the number of employees at a home industry, is it six? If it has more than six does it get denied? Robin said if there are more than six employees, it is probably too intense for a neighborhood, that is why it is a conditional use permit. Janet asked where the Planning Board can say it cannot be done? Lincoln responded that is in the Conditional Use Permit. There have been some cases of abuse of the home occupation when the town has had to step in, typically being notified by the abutters. At some point we need to draw the line and say it is too big for a neighborhood. Chris Beer said we need something that can be enforced. Janet noted that size of the lot and context is important. What if the Conditional Use Permit is granted for a home occupation, then they sell the property, she asked if the CUP holds for the new owner? Robin said it goes with the resident and that is in the language. We are trying to ensure that residential neighborhoods remain residential. Lincoln also added there could be a waiver clause for certain situations. If the business does not meet the criteria of one thing, Robin said it would be too intense, and it gets pushed to the next level (tier). Janet said this is what we talked about 5-6 years ago (intensity of home occupation). The three tiers would be 1) handled Administratively; 2) ZBA special exception; 3) Planning Board Conditional Use Permit (most intense use).

Paul Amato asked why the home business would not come to the Planning Board instead of the ZBA? Robin answered that the ZBA process is very rigid and most home businesses do not require that rigidity. About 50% of the home occupations will not need regulatory oversight and about 40% will be considered home businesses and the other 10% will require the Conditional Use Permit from the Planning Board. Lincoln

asked what types of businesses are usually problematic? Janet said she thought dog groomers and daycare were always a challenge.

Lincoln indicated the waiver will be added to the CUP for home occupation and for solar.

c. **Section 10.02.4 Self Storage Facilities.** After review by the Planning Board, Janet moved to move the proposed zoning self storage amendment to post for a public hearing. Susan Robinson seconded. All were in favor.

d. **Section 7.11 Solar Collection System.** Lincoln reviewed the corrections as discussed at the last meeting. Janet asked if the development regulations identify the necessary requirements? Lincoln said they do, and we cannot make them do a study, this is consistent with the development regulations.

3. Other Business: December 18 the Planning Board can make a motion on all of these amendments to move forward, once the Conservation Commission has had a complete review. At the December 18 Planning Board meeting, there are three applications on the agenda, plus the zoning amendments. Robin asked for any input on these amendments to be provided by Thursday December 13.

4. Adjournment: The meeting was adjourned at 9:15 p.m. on a motion made by C. Beer and seconded by P. Amato. All were in favor. Motion passed.

Signature of the Chairperson/Vice-Chairman: Date: _____

MINUTES OF THE DECEMBER 4, 2018 MEETING WERE APPROVED DECEMBER 18, 2018