

MILFORD PLANNING BOARD MINUTES ~ APPROVED
January 5, 2021 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Paul Amato, Member
Janet Langdell, Member
Pete Basiliere, Member
Susan Robinson, Member
Laura Dudziak, Selectmen's Rep.

Staff:

Lincoln Daley, Com Dev Director
Darlene Bouffard, Recording Secretary

MEETING PREAMBLE DURING COVID-19 EMERGENCY

Good Evening, as Chairman of the Planning Board, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, State, and Local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spear of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply.

Public comments will be limited to three minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that person will be removed from this meeting.

Please note that all votes that are taken during this meeting must and will be done by Roll Call Vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know Law.

Members and staff were polled individually: T. Finan was in his office alone; J. Langdell at her home in the room alone; P. Amato was at his home in the room alone; P. Basiliere was at his home in the room alone; S. Robinson was at her home in the room alone; L. Dudziak was alone in her office; D. Knott was in his office alone.

1. Call to order:

Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight there is one application to be heard followed by the first public review of the proposed Zoning Amendments.

2. Public Hearing(s):

- a. The Art of Learning Child Development Program / Kailey Bento – Minor Site Plan Application for a change of use to convert a portion of the single-family residence and outdoor area into a daycare operation serving a maximum of 12 children. The parcel is located at 100 Elm Street, Tax Map 20, Lot 51 in the Commercial "C" Zoning District.**

S. Robinson moved to accept the application for review. P. Amato seconded. A poll was taken: P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes; S. Robinson yes; D. Knott yes. P. Amato moved no potential regional impact. J. Langdell seconded. P. Amato yes; P. Basiliere yes; J. Langdell yes, T. Finan yes; S. Robinson yes; D. Knott yes.

Kailey Bento, owner and applicant, will present the application. D. Knott asked her to explain what she would like to do and anything that might help the Board to understand the proposal. K. Bento explained this is a less than a 500 sf addition and the back yard was recently finished to accommodate children. There are two driveways that serve this property, one driveway is used by her and eventually there could be employee parking, and the other driveway would be for child drop off. The childcare will serve six children to start. The driveway drop off will be coordinated so that there is no backing up onto Elm Street and drop offs will be staggered. This should not interfere with any businesses in the area, Kailey is going through the State licensing process and the Fire Department is involved for the occupancy. P. Amato said it looks like a good plan, the neighbors look like they are close, are they rental or owner occupied? Kailey explained one abutter is a home business, owner occupied and the other has two rental units. P. Amato asked if the abutters have any issues with this plan. Kailey has talked to both abutters and they are aware and have no concerns, they both donated materials to her for the childcare.

S. Robinson asked if the vehicle turnaround will be in front of the porch? K. Bento said that after winter, she will either pave it or add gravel to allow for vehicle turn around or a drive through over to the other driveway. S. Robinson asked is there is sufficient room to prevent backing up on the town road? K. Bento said yes there is sufficient room. P. Amato asked if this affects the green space? L. Daley said there is more green space in the back so she is all set there. J. Langdell said she will have 30% green space, but this is also in the Elm Street corridor. If vehicles will go across one drive to the other, will there need to be removal of some of the green out back? K. Bento said she did not believe so.

D. Knott asked about the boundary of the property and the right of way/sidewalk. L. Daley said we will need to design the edge of the property line, and asked if there is a possibility of using the neighboring driveway to allow for drop offs and turn arounds? J. Langdell said when the music business has classes, the driveway there is very full. L. Daley thanked her for that information. J. Langdell asked how wide is the grassy area? L. Daley said it is about 20'. All members concurred they do not want anyone backing out on to Elm Street.

K. Bento said the goal is to put gravel on the current front grassy area so that cars can back up in the driveway to leave. Drop off and pick up will be a maximum of five children. She will take the kids inside and cars will not be in the driveway very long. P. Amato agreed it will be safer and look better to have the gravel to back up cars on instead of a drive through idea. L. Daley asked if pavers could be used instead of gravel? K. Bento is talking about that and other options as well. L. Daley is just responding to J. Langdell's comment about maintaining the Elm Street corridor aesthetics. D. Knott said that could cost more to do than gravel. P. Amato hopes that down the road Ms. Bento could see how things go and how much space it takes and change it to pavers to make it more attractive. D. Knott said the pavers will need to be permeable and need to be cleaned every year and maintained. D. Knott asked if some kind of plantings could be done to keep with the overlay district? K. Bento will be planting some bushes in the spring. K. Bento wants to make it more attractive in the future.

J. Langdell asked for a site plan image and asked where the "drop off" of the parcel starts behind the back yard. K. Bento said the drop off starts to gradually slope after the back yard play space. D. Knott asked how can the area where cars will back up and park be delineated? K. Bento has worked in childcare for 2 years and there were areas that needed to be used for drop off or pick up. She does not think congestion will be an issue. L. Daley suggested he can help with delineation. J. Langdell said childcare is a plus for the community. K. Bento wants to be a safe place for families with children for childcare.

D. Knott opened the public hearing and asked if any abutters are present this evening. L. Daley said there is only one person present in the waiting room. K. Bento indicated that person is her uncle who is going to help her to explain things if there are questions. Seeing no abutters, D. Knott closed the public hearing.

D. Knott read the abutters list. J. Langdell asked about the surveyed plan provided this evening and asked if it was modified for this application? L. Daley said that is correct, he used that existing site plan with the changes that K. Bento would like to make. L. Daley agreed that we could make a note that it was a site plan altered in order to use for this application. L. Daley can make notes on the existing boundary plan. The Planning Board used this type of amended plan for properties in the past; it is just an existing

plan that he can use different colors to denote in the file what is for this site plan and show what is proposed.

P. Amato moved to conditionally approve the plan and add the front gravel area for parking turn around and work with the Planning Department on the turnaround area. T. Finan seconded. A poll was taken: J. Langdell yes; P. Amato yes, P. Basiliere yes, S. Robinson yes; T. Finan; yes, D. Knott yes.

b. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold Public Hearings tonight and on January 19, 2020 beginning 6:30 pm via Zoom to discuss the proposed amendments to the Town of Milford Zoning Ordinance as follows:

- **Amend Article V, Sections 5.02.5 Yard Requirements, 5.03.6 Yard Requirements and 5.04.5 Yard Requirements by deleting Subsection C in each relative to accessory structures in the Residential A, B and R Zoning Districts.**
- **Amend Article VII, Supplementary Standards by inserting new Section 7.15 Mobile Food Vendors to regulate and accommodate mobile food vendors in appropriate locations.**

Mobile Food Vendors: L. Daley explained that this review is the first public hearing for 2021 Zoning Amendments. The mobile food vendors amendment, for which we have had two vendors that are moving into actual spaces in the community. This amendment is to accommodate food vendors within different zoning districts. This would create 9 criteria for food vendors to satisfy, if they fall outside of those it would require a site plan, otherwise it would get an administrative approval. As far as outdoor seating provisions, they cannot impact the number of parking spaces that may exist for the proposed use of the property. P. Amato asked what is the difference between food vendors and food trucks, we should call it one or the other. J. Langdell said that was her comment as well. There are 3 or 4 places to change it to be consistent. P. Amato thinks it is better than what was previously presented.

D. Knott opened the public hearing. L. Daley said there were no hands raised in the waiting room. D. Knott closed the public hearing. J. Langdell asked why is this not allowed in the Industrial zone? P. Amato does not think they should be in the Industrial zone. J. Langdell said it should be clarified in the definitions that a food vendor is stationary. P. Amato asked if this affects the “canteen trucks” that travel from business to business? D. Knott asked if the Board can just state that it excludes the mobile canteen trucks that travel from site to site? P. Amato said the canteen trucks do not stay in one place very long. L. Daley said this shall exclude the mobile food canteen trucks that travel from site to site.

L. Daley explained that Taco Time was a mobile food vendor that was on the bowling alley property, and took up some parking spaces and it needed a number of spaces for that use, you do not want to use the spaces meant for the primary use of the parcel. P. Basiliere asked how that is determined? L. Daley said in some instances the plan has a certain number of parking spaces, but we need to make sure that the Planning Board keeps enough parking to satisfy both uses, the primary and the food vendor. The existing site plan would be what the Planning Board would focus on and the additional use might have to provide additional parking elsewhere. P. Basiliere asked if the language should state that? L. Daley believes it does specify that in this ordinance. J. Langdell suggested using the language out of the most recently approved site plan for the primary use. P. Amato asked if the bowling alley site is almost “pre-approved” because Taco Time came in and the parking demand is much less with the current use on that site. L. Daley said based on the changes you are making tonight, they need to be presented at the January 19 meeting and then get finalized for the warrant.

Yard Setbacks: L. Daley explained the 6’ minimum side setback is being amended to be consistent based on feedback, for Residence A, B and R districts. Currently accessory structures less than 120 sf require a 6’ setback in one part of the ordinance, but there is already a provision with Special Exception if the accessory structure encroaches into the setback; the setback for accessory structures should be 15’ for side and rear setback. L. Daley wants this to be consistent in different zoning districts; this amendment is to make it easier for residents and staff by being consistent. P. Amato asked if the ZBA will typically approve this type of SE? L. Daley said he cannot say they would, but it is giving the abutters the opportunity to speak out about an accessory structure at the neighbor’s parcel. D. Knott agrees it seems

this would be more restrictive. L. Daley said typically with dimensional setbacks in other communities, it would require a variance, but in Milford the requirement is for a Special Exception which is much easier to satisfy, this provision makes it easier than a variance for residents and allows flexibility for all structures. The dimensional setbacks are there for a purpose. There is a mechanism to allow for an accessory structure to impact the setback via SE. S. Robinson asked if the new development off Amherst Street (Clifford Street) will be affected by this? L. Daley said it will and there will be other developments like that and this is discussed at the Planning Board level with every development. This makes the ordinance consistent for all accessory structures.

J. Langdell asked if the 6' setback was from the 2011 ordinance? L. Daley said it was. J. Langdell asked what was the reason it was changed back then? L. Daley said it was to allow for flexibility. J. Langdell asked if a building permit is required for an accessory structure under 200 sf? L. Daley said it is not, typically speaking people do not know exactly where their property line is so 15' protects the abutters and adheres to the setbacks. P. Amato asked how much it costs to get a ZBA application? L. Daley responded it costs \$75 plus abutters fees. D. Knott likes that we are being consistent with the other part of the ordinance with this. J. Langdell said this 6' change was only in the ordinance since 2011 and before that it was 15'. P. Amato does not think that is the case, he thinks it makes it more restrictive. P. Basiliere said we should discourage building within 15' but enable it if it is necessary, to keep space between you and your abutter and if nobody has a problem with it, they have the ability to speak out.

D. Knott thinks it is onerous to have people come to the ZBA to allow them to put a small structure on their property. L. Daley said that might be a function of the Planning Board review. We have seen the size of homes increase and the lots have gotten smaller. L. Daley appreciates the comments, but wants to know how the Board wants to move forward with this or make changes to it. J. Langdell asked if this has caused issues with the ZBA? L. Daley said it has come across a few times, it is an education on setbacks, it is not a top priority, but it does come up. D. Knott opened the public hearing. L. Daley stated there were no people waiting in the waiting room to speak. D. Knott closed the public hearing and suggested talking about this again at the next meeting.

L. Daley will look at the old ordinances back to 2011 when the 6' change was made, for a discussion point at the next meeting. P. Amato moved to continue this discussion to January 19, 2021. T. Finan seconded. A poll was taken: S. Robinson yes; P. Amato yes; J. Langdell yes; P. Basiliere yes; T. Finan yes; D. Knott yes.

3. Other Business:

4. Approval of Minutes: There were no minutes presented this evening.

5. Adjournment. The meeting was adjourned at 8:04 p.m. on a motion made by P. Basiliere and seconded by S. Robinson. A poll was taken: P. Amato, yes; T. Finan, yes; P. Basiliere, yes; J. Langdell, yes; S. Robinson, yes; D. Knott, yes. Motion passed 6/0. The next Planning Board meeting is January 19, 2021.

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

MINUTES OF THE 1/5/21 MEETING WERE APPROVED 2/16/21