

1 MILFORD PLANNING BOARD MINUTES ~ APPROVED

2 April 6, 2021 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Tim Finan, Vice Chairman

7 Paul Amato, Member

8 Janet Langdell, Member

9 Pete Basiliere, Member

10 Susan Robinson, Member

11 Dave Freel, Selectmen's Rep

**Staff:**

Jason Cleghorn, Town Planner

Darlene Bouffard, Recording Secretary

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15 **MEETING PREAMBLE DURING COVID-19 EMERGENCY**

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

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

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

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

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

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34 Members and staff were polled individually: Vice Chairman Finan was in his office alone; J. Langdell at her  
35 home in the room alone; P. Amato was at his home in the room alone; S. Robinson was at her home in the  
36 room alone; P. Basiliere was at his home in the room alone; D. Freel at home alone in the room; D. Knott at  
37 home alone in the room alone; J. Cleghorn was alone in his home office; D. Bouffard was in her home office  
38 alone

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40 **1. Call to order:**

41 D. Knott called the meeting to order at 6:30 p.m. indicating that tonight there is one application to be heard  
42 and some items under Other Business.

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44 **2. Public Hearing(s):**

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46 **a. Case SP2021-07: Bridge 33 Capital and B33 Lordens Plaza LLC (applicants/owners).** Review for a  
47 major site plan and minor subdivision approval for a 2,250 sf coffee shop with related parking,  
48 drainage/stormwater management, landscaping, and lighting improvements on a 33,882 s.f. parcel within the  
49 Lordens Plaza. Waiver requests from Section 6.05.04 of the Zoning Ordinance seeking relief from the Table  
50 of Off-Street Parking to construct less than the required 38 parking spaces and Section 6.08.7(A) of the  
51 Zoning Ordinance which would require a ten foot landscape strip adjacent to the remainder of the Lordens  
52 Plaza parking lot. The parcel is located at 586 Nashua St. in the Commercial C zoning district. Tax Map 44  
53 Lot 6. Case was continued from the March 16, 2021 Planning Board hearing.

This application has already been accepted for review at a previous meeting. M. Bombaci indicated he is representing the applicant and is presenting this evening; also on the call also is N. Harris from B33 Capital and Shawn Kelly with traffic study information. M. Bombaci shared his screen to indicate at the last meeting the car queue was being discussed so he has extended the car queue to allow for additional cars. The drainage and landscaping have been added. There were a few minor details that were addressed on the site plan. M. Bombaci did look at the Dunkin Donut and Nashua Starbucks queuing as recommended by T. Finan. The applicant is requesting two waivers, one for parking for which there is access to the plaza parking if needed for overflow parking. The second waiver is for a landscape buffer on the Nashua Street corridor. One other issue was the monument sign on Nashua Street, he understands the Planning Board is very conscious of the sign clutter on Nashua Street; he did speak with the applicant and was surprised to hear that they understand the town's position and that the Town is being sign-conscious and they said they would be willing to work with whatever the town would like to see. It would be best for them to have some sort of signage but they are being very flexible with the signage.

P. Amato asked if, instead of a monument sign since it is very close to 101A, could they just have a sign on the side of the building or on two sides of the building as opposed to a monument sign and accomplish the same thing? It's going to look like a coffee shop, people are not going to pull in and expect to order a Big Mac. Yes, they will have building signage and they understand that may be the Board position. P. Amato asked what is the open space calculation? J. Cleghorn answered it is 35%. T. Finan asked if he saw on the plan that there is a sidewalk connection to the road as well? He does not remember seeing that before. M. Bombaci said that was there before Jason had come to Milford, the town was looking for potential sidewalks to the town road. T. Finan asked if that will go all the way to the north end of the lot? M. Bombaci said that is correct.

P. Amato asked the Chairman if he would like to take the waivers one at a time? D. Knott agreed and asked if there were any other comments first. There were no further comments. P. Amato indicated his feeling on the parking waiver is that this is a unique situation where there is so much additional parking so the applicant does not feel they need additional parking but the town ordinance requires it and they have proven that there is ample parking on the adjacent lot which should not make it a problem. T. Finan asked if the easements for the parking (cross easements) have been settled yet? J. Cleghorn stated they are still working on them and have not been finalized at this point but it is safe to say that we are working with the applicant. Jason has seen a draft of the easement used for St. Mary's Bank and this will be very similar, but they are not signed or recorded at this time. T. Finan asked if there is any reason to think that there is an issue. J. Cleghorn does not see any issues.

P. Basiliere asked if J. Cleghorn knows if that parking easement will be in perpetuity? M. Bombaci answered that he believes that will be in perpetuity. Mr. Harris, representing B33 Capital LLC jumped in to indicated the cross easement has actually already been recorded for St. Mary's Bank and it is in perpetuity, the intent is should there ever be another owner of this property that they have full access to the parking at the center without restriction. P. Basiliere asked if the language is written to support the town ordinance? Mr. Harris said it is not worded around the ordinance, it is worded in such a way that all owners within Lordens Plaza will have all parking access in perpetuity, so it's fairly broad. D. Knott asked if something changes outside of this particular area that's still within the boundary of Lordens Plaza, is there language that allows that full access? P. Amato indicated if there were a change to the use or site plan that would come back to the Planning Board and parking would be reviewed. P. Amato said if they do five more of these little subdivision carve outs and then the parking does not work the Planning Board wouldn't approve it cause the parking does not work.

D. Knott asked if there were any other comments on this (parking) waiver? S. Robinson asked if the other department comments affect these waivers in any way; specifically the first Assessing comment. P. Amato stated first this is a subdivision with new lot lines so it's a different tax map once the subdivision is recorded. S. Robinson stated that would answer those questions. S. Robinson said the DPW comments seem to also be looking for guidance. J. Cleghorn indicated that he may have neglected to erase some of the comments from a previous report, he went over the plans in full with DPW and they do not have any further objections. There were no other comments on the first waiver.

D. Knott stated he is moving on to the second (landscaping) waiver for a 10' landscape strip. T. Finan asked if this is the northern strip that connects closest to Shaw's. M. Bombaci responded that it is and pointed it out on the plan. Right now it varies from 5' wide to about 18". P. Amato said we could have gone with a 5' strip and make it seem like separate lots, this is isolating it more like a subdivision which is appropriate, it is a bit of an island with no back or front necessarily so he feels the applicant has done an adequate job making the landscaped parts appropriately and the least landscaped parts done more than previously.

D. Freel asked about the entryway into the parking lot if you are going to the drive through, is that right off the road, is that what I am seeing? Is there any concern about the cars getting backed up on the road or in the middle of the intersection? He feels that maybe people should go further in and enter on the backside. M. Bombaci explained that was talked about at length at the last meeting; they adjusted the movements and provided an extended queue for 13.5 cars, providing that size queue is better than any of the local coffee shops and they are comfortable that they will not back up into the road. D. Freel admitted he is a frequent flyer at the 101A store and his concern is when he is leaving the site and wants to turn left, there are people trying to go in and the light turns red, it happens in Nashua all the time and it seems like this is set up in the exact same way. M. Bombaci explained the area he is speaking of is an entrance only for this application, so cars will not be exiting there causing a backup. D. Freel acknowledged that solves the problem, thank you.

P. Basiliere has looked at the traffic study and has concerns of the traffic entering the site in the peak morning hours, stating the number will triple the cars making the left turn into that driveway. Similarly the cars heading west will double during peak hours. The problem is going to be on 101A, neither the right turn lane or left turn lane have adequate storage for the number of vehicles that will be trying to turn into that driveway during the peak hours. D. Freel agreed on that and added that the traffic light at that intersection will only allow two cars to make it through the green light before it turns red again. Shawn Kelly, Traffic Engineer, said they can look at the number of cars per hour, the driveway is not a concern and they have looked at that but he can look at the timing at the intersection when there is more volume and look to hold that light a little longer. D. Knott indicated there are other coffee options in this area, all the traffic is not going to just go to this coffee shop. P. Basiliere agreed, but the traffic going here on the weekend will increase significantly; he agrees adding more time to the signal will help. P. Amato remembers when this second entrance was added, with the Cumberland Farms, McDonalds and Walgreens additions, this intersection was designed specifically for this type of activity 15 years ago and this is not a problem. If you cannot get through the light, you can go to the next light and get into the plaza from there. This intersection was designed for this many cars. J. Langdell agreed, when this plaza was first built, there were different tenants, the length of the turn lane is a concern but there is a second entrance and that is a plus for this business.

S. Robinson asked if the timing of the lights can be changed? S. Kelly said yes they can modify the cycles of lights. J. Langdell added that the next two lights are State lights, which needs to be coordinated with the State. S. Robinson indicated we can change the local signal timing. J. Langdell said the timing could be looked at after a period of time. S. Kelly agreed, they can look at it and tweak the timing if necessary. There were no further comments from the Board. D. Knott opened the meeting for public comments. Seeing no public comments, D. Knott closed the public meeting.

D. Knott asked for a motion on the waivers. P. Amato moved to grant the parking waiver once the easement documents have been provided to the town. T. Finan seconded. J. Langdell yes; T. Finan yes; P. Amato yes; S. Robinson yes; P. Basiliere yes; D. Freel yes; D. Knott yes.

T. Finan moved to grant the landscaping waiver. J. Langdell seconded. P. Basiliere yes; D. Freel yes; P. Amato yes; J. Langdell yes; T. Finan yes; D. Knott yes.

P. Amato asked about the access to a State road and why that is even on the plan since they are not seeking access? J. Cleghorn said the five items he was concerned with have been addressed. D. Knott asked about signage. J. Langdell said the sign permits are done by staff. P. Amato said this is an existing lot and they could have a 15' sign and we are saying we would be happy with signs on the building. D.

Knott said there is a square footage maximum size. M. Bombaci said a sign would be smaller than the signs out there now. D. Freel thinks that Starbucks has nice smaller signs. P. Amato would rather see the signs on the building, he is not sure another sign would be necessary. M. Bombaci said the applicant is being very flexible with signs. J. Langdell said they will be allowed a monument sign by rights. M. Bombaci agreed and said the applicant is trying to be flexible with the town. P. Amato asked what is the smallest sign the applicant would accept? M. Bombaci said the applicant would like to have a 32 square foot 8' tall sign. J. Cleghorn indicated there should be two separate motions for the subdivision and site plan.

P. Amato moved to grant approval to the Subdivision. J. Langdell second. D. Freel yes; P. Basiliere yes; S. Robinson yes; T. Finan yes; J. Langdell yes; P. Amato yes; D. Knott yes.

P. Amato moved to approve the Site Plan SP2021-07 pending parking easements being approved by the Town and having a sign no more than 32 square feet. J. Langdell asked do we want to ask for a re-visit on the traffic light? J. Langdell wants the light to be looked at after a few months of opening and coordinate with the State on the next two (State) lights. Shawn Kelly indicated 3-6 months is typical. P. Amato suggested 90 days would be appropriate. D. Knott asked if the results of that study would go to the Planning Department? J. Cleghorn said the time would start from CO issuance. D. Freel recommended having the timeline start when the business opens, since the CO is not when the business opens. Re-evaluate the timing of the lights 90 days after the day of opening and if changes are needed, the cost will be borne by the applicant and the results will be turned in to the Planning Department. P. Basiliere also noted there is an inconsistency on page 3 of the plan where it identifies 34 inside seats not 50. M. Bombaci said the calculation was based on 50 seats and that was the maximum number of seats. J. Cleghorn noted that the number of seats can get fixed before plan sign off.

J. Langdell yes; S. Robinson yes; D. Freel yes; T. Finan yes; P. Amato yes; P. Basiliere no; D. Knott yes. Motion passed.

### 3. Other Business:

- a. **Discussion of the Site Walk related to Case SP2021-08, Andrew and Krista Gardent and A.C. Engineering and Consulting.** J. Claghorn said the other business is not part of the public hearing this evening. This is to discuss the March 16, 2021 public hearing during which it was requested to have a site walk tentatively scheduled for April 13, 2021 at 5 pm. If all planning Board members attend, it would become a public hearing, open to the public, he has come up with three options. After discussion, the Board decided to visit the site independently, so that it does not become a public hearing. The Gardent's are being flexible with the dates and times for site visits by Board members but have been clear they do not want the public to be visiting the site. D. Freel stated he does not agree that we need to have the public there if the Board visits. J. Langdell said the Planning Board operates under an RSA and we must include the public. D. Knott said the applicant has asked that the public not come on their property, and that is their right. J. Langdell responded that the Planning Board handbook put out by OSI is on line, if the Planning Board felt that it was necessary to have a site walk and that was denied by the applicant because they do not want the public on their property, they are risking a denial on the application. P. Amato said at the last meeting there were comments from abutters about things happening near their houses; it is the job of the Planning Board to take that under advisement and take it into consideration in our decision and we felt that a site walk would help that. P. Basiliere stated the plan calls for 50 trucks either way every day transporting gravel and the road is 75' from a home that is antique. We have to respect the wishes of the applicant.

J. Langdell asked how a drone visit could be done and a video taken of the area? P. Basiliere said if the applicant will not withdraw their concern, we might need to just have multiple visits by two members at a time. D. Freel agreed it needs to be an in-person visit. D. Freel indicated the BOS did an in-person visit and it was fine. J. Cleghorn added that NH DOT has been in contact with the Town and they have agreed that the driveway can be moved for those gravel trucks. P. Amato agreed let's just divide and go in small groups. D. Knott agreed. P. Basiliere said if the Gardent's have changed their mind about having the

public on their property, they need to let us know. P. Amato reiterated that we are just responding to the rights of the owners to not have any public on their property for the site visit. At the April 20 meeting, we will still have their scheduled meeting when the public can attend the zoom public meeting and comment on the application.

Andrew Gardent stated he understands the concerns that the Planning Board has and it seems this will provide clarity, he would just like to keep it private. Krista Gardent stated they want people to be safe and she is concerned about insurance and how any injury would be covered. A. Gardent said that any town offices/personnel are welcome to come on the property at any time they want, it is just the public that will not be allowed. D. Knott said we need to set a date with the Gardents for those site walks. Community Development employees have visited the site and they should be there with Planning Board members. J. Langdell asked if the Gardents want to be on the site when they visit. Krista Gardent said they do not care about being there, you can just let us know when you want to come. D. Freel asked if Rick Riendeau should be there as well. J. Cleghorn is already figuring out how to set this up with different groups. All the site walks will be completed before the April 20 meeting. P. Basiliere asked if there is anything the Planning Board members can get from Town Hall for liability coverage in the case of injury? J. Cleghorn talked about that today with Lincoln Daley and they will talk to other employees about that. L. Daley believes there is coverage even if the public were to go on their property.

J. Langdell suggested getting an opinion from NHMA on liability so that we know.

- b. **NRPC Appointments.** J. Cleghorn indicated after much research, it was found the NRPC appointments need to be renewed. The recommendation is to reappoint Chris Costantino for 2 years, J. Langdell for 3 years and to appoint Town Administrator John Shannon for 4 years. This recommendation will be presented to the BOS on Monday, April 12. J. Langdell explained the appointments are to be staggered so that they are alternating years. P. Amato moved to recommend that these appointments be presented to the BOS. T. Finan seconded. P. Basiliere asked if the members should be town officials or residents? J. Langdell indicated that generally the people should be involved in land use, it is fortunate that John Shannon is willing to do this for Milford and it brings a strong voice to the table for Milford, we want to be able to have strong voices representing the town. A poll was taken: P. Basiliere yes; T. Finan yes; D. Freel yes; J. Langdell yes; S. Robinson yes; P. Amato yes; D. Knott yes.

4. **Meeting Minutes:** The Planning Board minutes of March 2 and March 16, 2021 were reviewed. J. Langdell had minor corrections to both sets. P. Amato moved to approve the minutes of March 2, 2021 as amended. S. Robinson seconded. A poll was taken: P. Amato yes; S. Robinson yes; P. Basiliere yes; T. Finan yes; J. Langdell yes; D. Freel yes; with D. Knott abstaining. Motion passed. P. Amato moved to approve the minutes of March 16, 2021 as amended. S. Robinson seconded. A poll was taken: P. Amato yes; S. Robinson yes; P. Basiliere yes; T. Finan yes; J. Langdell yes; D. Freel yes; D. Knott yes.

5. **Adjournment.** The meeting was adjourned at 8:32 p.m. on a motion made by J. Langdell and seconded by P. Amato. A poll was taken: P. Amato, yes; P. Basiliere, yes; J. Langdell, yes; S. Robinson, yes; D. Freel yes; T. Finan yes; D. Knott yes. The next Planning Board meeting is April 20, 2021.

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Signature of the Chairperson/Vice-Chairperson: Date: \_\_\_\_\_

**MINUTES OF THE 4/6/21 MEETING WERE APPROVED 5/4/21**