

1 MILFORD PLANNING BOARD MINUTES ~ APPROVED

2 June 15, 2021 Board of Selectmen's Meeting Room, 6:30 PM

3  
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

Nate Addonizio, Videographer

12  
13  
14 This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to  
15 Executive Order 6 2020-04. As such, the meeting was conducted both online and in person.

16  
17 **1. Call to order:**

18 D. Knott called the meeting to order at 6:30 p.m. indicating that tonight there are three applications to be  
19 heard. This meeting is being conducted as a hybrid, both in person and via zoom.

20  
21 **2. Public Hearing(s):**

- 22  
23 **a) Case SP2021-04 Mengyuan Property Management and Frank Kling (applicants/owners).** Review  
24 for a major site plan application to construct a six (6) unit townhouse, multi-family residential project  
25 with related parking, drainage/stormwater management, landscaping, and lighting improvements. The  
26 parcel is located at 159 Elm Street in the Commercial "C" zoning district. Tax Map 19 Lot 5. Continued  
27 from the May 18, 2021 meeting.

28  
29 J. Cleghorn indicated the applicant has requested this application to be continued to the July 21, 2021  
30 Planning Board. J. Langdell asked if that was requested in writing, and if so it should become part of the  
31 file. J. Cleghorn said it is in writing and has been provided to members. P. Amato moved to continue this  
32 application to the July 20, 2021 Planning Board meeting. T. Finan seconded the motion. All members  
33 were in favor. Motion passed unanimously.

- 34  
35 **b) Case SP2021-16 Zachary Clark (owner).** Major Site Plan review and Conditional Use Permit review  
36 for a Home Industry under Section 7.12.7 of the Zoning Ordinance. The applicant requests the  
37 construction of a 1,750 s.f. cold storage building related to the storing of HVAC equipment. The parcel is  
38 located at 557 Route 13 South in the Residence "R" zoning district. Tax Map 47 Lot 39.

39  
40 J. Langdell moved to accept the application as presented for review. P. Amato seconded. All members  
41 were in favor. Motion passed unanimously.

42 P. Amato moved no potential regional impact. J. Langdell seconded. All members were in favor.  
43 Motion passed unanimously.

44 J. Cleghorn read the abutters list, then noted that the applicant is attending this meeting via Zoom and will  
45 be presenting. J. Cleghorn said there are no updates to the packet, staff has concerns with the application.  
46 Staff has some recommendations that would benefit the applicant. One formal objection was received by  
47 staff and is included in tonight's packet. This is a major site plan with the Conditional Use Permit  
48 attached, this needs to go through the home industry and Conditional Use Permit conditions in order for  
49 this to be approved.

50 J. Langdell said in the staff memo the five points were not included. J. Cleghorn pointed out where that  
51 information was located in the packets. Zach Clark, applicant, was present via Zoom and he said he was  
52 not sure what he was supposed to say this evening. D. Knott said Zach needs to present what you want to  
53 do. Zach Clark said he is currently operating a Home Office at this address and the business grew; some

of the removal of equipment has caused his yard to become filled, so he wanted to put in a warehouse to store the old equipment. D. Knott asked if this is an HVAC business? How many staff members are there? Zach responded yes and there are two owners and there are employees in the field and in the office. There is one vehicle parked at the house. Because this type of work is done mostly on the road, Zach explained employees are not on site. If the warehouse were put up, there would be a maximum of 3 vehicles. D. Knott asked if Zach saw the letter from Mr. Stetson? Zach said he has and that is also his concern, due to the lack of storage, the dumpster is close to Mr. Stetson's property but Zach is proposing 80-100 feet of fencing be added. There is a right of way to a mechanic shop also. His driveway looks like a road, but it is a driveway.

D. Knott asked if materials are delivered to the house? Zach said yes, 1-2 times per week. Zach has sheds for storage of new equipment, it is the removal portion that he would like to maintain inside this warehouse building. J. Langdell said if the new building were permitted, would it be fair to say there would be no outside storage? Zach said yes. S. Robinson asked if the yard debris would all be removed? Zach said yes, about 80% of that is personal stuff and 20% is business-related. S. Robinson said this warehouse is "cold storage" is it refrigerated? Zach said no, it is just to store debris or equipment that has been removed. P. Amato indicated this is in the Residential Rural zone, at what point does this business not belong in the residential zone, if you do not have storage in your basement, you have no storage, but at some point it does not belong in a residential neighborhood. J. Langdell said he is asking for a Home Industry, when does it become more than a home business?

P. Amato said with the amount of stuff stored outside, that goes against what is defined as a home based business. T. Finan explained that the "home industry must be secondary to the residence," that was read right out of the ordinance. D. Freel understands that, as a contractor you are always working out of the home but you have to be conscious of your neighbors. D. Freel asked if there is an office for the business at the residence? Do you have office staff? Zach said the office person works remotely because there are health issues. D. Freel is in favor of a home business but not at the expense of the other residents. Zach said right now his dock is visible, but if this warehouse is built the dock it will never be seen. One abutting neighbor has been a repair garage since the 1960's but he was never notified of any business hours etc. P. Amato said that business was brought to the Planning Board many years ago. Zach said the current owner just came in a little while ago. P. Basiliere said that abutter has been there for three years. P. Basiliere asked where are the views of the proposed building? What will it be made of? Zach Clark responded that the elevations were not provided to him, in order to get those elevations he would have to put down a percentage of the cost. Zach has already put out about \$16,000 for that information for the steel building. P. Amato said that normally the contractor would provide elevations so the Planning Board can see what will be put into a residential neighborhood, otherwise it is a leap of faith for the town.

D. Freel asked if steel buildings are even allowed in a residential zone? J. Langdell said there are no design standards for this type of application. J. Langdell said for these steel buildings you could get a screen shot of a similar building to present to the Planning Board. A 16' door with a 35' x 50' wide building with one garage door could be provided at least as a sample. D. Freel asked about any trees along the property line? D. Knott asked if elevations are required for the Planning Board meeting? J. Cleghorn asked the applicant for them but was told they were not available. D. Knott feels this application is incomplete. D. Freel said without knowing the location and size, appearance etc. how is the Planning Board expected to approve or deny something like this? Since it is a residential zone, this garage is dwarfing the house.

Zach Clark indicated that on Melendy Road there are trailer homes that have enormous garages that are 20' tall. Zach indicated this would fit into this neighborhood and he thought the survey would indicate the size on his property. P. Amato said if you live there and you want to put up a garage, you just pull a Building Permit that is reviewed by the Building Inspector, but because of the business aspect, you come before the Planning Board because you are operating a business out of your home in a residential zone and there are things that the Planning Board needs to look at. We need to look at how it would affect the neighbors and then look to mitigate that because it is not fair for the neighbor to run that business in their neighborhood. Zach explained he is proposing a 100' fence. D. Freel asked if the fence will be installed to hide the yard debris? Zach said he does not have a basement and is limited to a 6'x10' shed for storage

then he found out that this warehouse was a possibility; Zach said he literally has another business (Auto repair) driving right through his driveway every day and he was never notified of that.

D. Knott asked for a poll from members on this application. All members wanted to hear from the public. D. Knott opened the meeting to the public, and indicated if you are an abutter, please state your name and address. There was nobody waiting to speak. D. Knott closed the public portion of the meeting. D. Knott took a poll of Board members to figure out where to go with this. D. Freel would like to see a picture of what is being proposed and how it will be made to blend in with the surrounding neighborhood, he would want any yard debris to be cleaned up prior to any action being taken. D. Knott asked if the Board feel that there is enough information to keep having the discussion tonight or do we need more information? D. Freel feels he needs more information to continue. J. Langdell said we need more information in order to make a decision and we can give the applicant a list of what that information is. This is for a Site Plan and a Conditional Use Permit (CUP) which has its own checklist. P. Amato is concerned that the applicant will go out and spend more money and still not be able to answer some of the questions. J. Langdell said we have seen some things in town that start out simple and it creeps up and becomes something that was not intended. P. Basiliere asked about this checklist being referred to? P. Amato said the conditions for a CUP has specific items that need to happen for home occupancy. Item 2 on that talks about screening from neighbors, we do not want a code compliance issue and it ends up the town is dealing with that when complaints are raised.

Zach Clark asked what if there were no debris in the yard at all and he did not have a home occupation? P. Amato said you would get a building permit for a garage but there still could not be debris hanging around in the yard. Zach Clark said his neighbor has a home business going on and he was never notified. P. Amato explained that abutting business was something approved a long time ago and then it came under new ownership. Zach Clark said the neighborhood started off with the shop next door going through the CUP process. In 2014 the shop was there. If Zach had a garage, most of the business equipment could be stored in that.

P. Amato moved that this application be tabled to allow staff to identify a better definition of the elevations, screening for the neighbors and storage of equipment. J. Langdell suggested looking at notes 10 and 11 on the plan as well. D. Freel seconded the motion. All members were in favor of the motion. Motion passed. D. Knott suggested that Zach Clark work with L. Daley and J. Cleghorn to get through this. Zach asked about the Right of Way for the business next door, does that go away if someone else were to move in? P. Amato said that Right of Way goes with the deed of the property, a change in ownership does not affect the right of way.

- c) **Case SP2021-17 Station 101-Edward Pollard and L. Gage Perry (owners/applicants).** Minor site plan review to amend the previous approved site plan to add six (6) additional seasonal outdoor dining tables (48 seats) and a mobile food truck to the site. The parcel is located at 193 Union Square in the Commercial "C" zoning district. Tax Map 25 Lot 19.

T. Finan moved to accept the application for review. P. Basiliere seconded. All were in favor. Motion passed unanimously.

P. Amato moved no potential regional impact with this application. T. Finan seconded. All were in favor. Motion passed unanimously.

J. Cleghorn read the abutters list.

Edward (Chip) Pollard thanked the Planning Board for all the assistance, this has been two years of work and Station 101 is now open and it is going well and his goal is to help make the oval as nice as it can be.

Tonight we are talking about expanding the Governor's order regarding outdoor restaurant seating, the Riverhouse has expanded their outdoor seating and Station 101 would like to add outdoor dining and add a food truck to the Site. People cannot say enough about this space, it has been a dream to Chip for a long time. The original Site Plan had a handicapped parking space, tonight this plan is for warm weather seating and the handicapped space being moved across the parking lot. In the winter the outdoor seating will be gone and the handicapped space will go back to where it was on the original Site Plan. There is one handicapped space. The food truck right now is on top of that space. J. Langdell asked when Station 101 opened was there a handicapped parking space? Chip answered no, we painted it a few weeks ago, right now there is no signage for a handicapped space and the food truck is on top of it. P. Amato asked if the Fire Department has approved the seating? Chip said they have. T. Finan asked about driving through the parking lot, has that been worked out? Chip answered we are continuing to add greenery, but during the winter months all that green gets destroyed by snow and plows.

P. Basiliere said that is not the approved Site Plan. Chip said we will continue to put greenery out there but it will be movable and we can add a note on the plan to say warmer or colder weather for the greenery. D. Knott asked isn't there a requirement for food being served with alcohol? Chip said we do not need the food truck for Station 101, we do serve the required food, Riverhouse is renting the space for the truck, that is their business. Chip said Station 101 provides its own food that satisfies the requirement. We will send a letter to the State. Chip said we are two completely different businesses (Station 101 and Riverhouse). P. Amato asked if it has been thought of to have guest food trucks? Chip does not think that would be allowed. The "Fuel" food truck is connected to Riverhouse and that is a requirement through the liquor commission. Their kitchen has to be open when the food truck is operational --that is their business. P. Amato said if he goes to the food truck he will get his food at Fuel and then sit at Riverhouse to eat and Station 101 for a drink.

J. Cleghorn said the Governor gave towns guidance (during Covid) to help restaurants get through and allowed town to issue temporary outdoor dining, the Governor's order has now expired and restaurants are required to make it official. The Governor's order has not been rescinded but we are trying to get this to be permanent during the summer season. J. Langdell said this is not for Station 101, it is more for Riverhouse, this will memorialize this plan to make it permanent to allow the food truck to park on the Station 101 parcel. P. Amato said if the relationship with the neighbor does not last, Station 101 can do this on their own. Station 101 has a beer and wine license which requires a certain percentage of food with alcohol sales. T. Finan asked does the Planning Board approve a number of occupants for this? J. Cleghorn said no, the Fire Department approves the occupancy. Outdoor seating at Bar One did not need an outdoor dining permit because that was already on their Site Plan. When Amigos went before the Board of Selectmen, it was because the table configuration was not on their Site Plan.

When the Governor's orders are rescinded, the town may see more of these that want to have a part on their Site Plan for permanent outdoor dining. D. Freel said if this gets approved, could you get one of those igloo seating rooms for outside? Chip said the food truck cannot operate in the winter and he is willing to have a note on the plan that says "seasonal". T. Finan asked if this will be approved for a certain number of occupants? J. Cleghorn answered yes. Chip said they have indoor seating and then outdoor seating. J. Langdell said we want to have all of that on the plan for outdoor seating for the food truck, outdoor seating and indoor seating. If he wanted to move the food truck, the Site Plan would need to be done again. There will be 3 areas of seating. P. Basiliere said the original Site Plan had parking spaces on it along Riverhouse. J. Langdell asked about the way to enter the site, tonight as an example, the fancy cars are there and the entrance cannot be used. Chip said people walk right through his lot to get to Riverhouse. J. Cleghorn asked for the Planning Board to define the landscaping. Staff feels if it is an approved Site Plan, that is what will be done. As of right now the original Site Plan with permanent landscaping might not be feasible or should he do something else? Right now the plan is in limbo and not adequate. D. Freel asked what was the original plan? Chip said he proposed putting in beds with foliage, but we realized over two years that is impossible.

S. Robinson said putting in raised beds seems to be a good idea. P. Amato asked if the Board is having him do this when the next door neighbor does not have any landscaping? J. Langell said it is because the Site Plan that is approved has that on it. S. Robinson asked if large potted plants would be acceptable? J.

Cleghorn said yes, when there was another application in the oval, landscaping was required, we cannot require the landscaping but we have an approved Site Plan with landscaping. P. Amato suggested taking out the word permanent on the Site Plan so it there can be seasonal instead. P. Basiliere said the plans were drawn up two years ago with the landscaping because it is on the Site Plan, we have every right to require it. J. Langdell said part of the reason to have the landscaping there was to create a demarcation on that corner, which he is doing to match the Riverhouse demarcation. P. Amato suggested that we change the permanent landscaping area to “seasonal landscaping” on the plan. J. Langdell asked if landscaping will be put in the corner next to Riverhouse? Chip answered yes, once the barrier is complete. The barrier is 6x6’ lumber that will be removed in winter. P. Basiliere said if the Planning Board waives that permanent landscaping, he wants to make sure that the plan reflects the area with seasonal landscaping, that should be on the plan so that if there is another business there in 20 years it is required. D. Knott said if there is another business there in 20 years, it would be a change of use at that time, that is why we have plans. Chip said that in winter there will be a snow bank where the landscaping is.

D. Knott opened the meeting to the public, noting if an abutter wishes to speak to please identify themselves and the address. D. Palance, Milford Heritage Commission, said the Commission likes this plan, they were unsure what it would look like, the wooden barrier is drawn in and they want not know what it will look like. Chip said it will match what is in front of the front doors so it will match. D. Palance said that’s great.

P. Amato moved to grant conditional approval to this with the change to the proposed permanent landscaping to be seasonal landscaping, one handicapped space, a listing of seating as approved by the Fire Department and that the food truck cannot be parked on top of the handicapped parking space. D. Freel seconded. All were in favor. Motion passed unanimously.

3. **Other Business:** J. Langdell said it is the time of the year that the Capital Improvements Plan (CIP) gets drafted by the CIP Committee, she asked if the members of that committee have been identified. J. Cleghorn has received many calls from people wanting to talk about Tiny Homes over the last few weeks as well. Staff may want to look at the town ordinance and how big of a tiny home can be allowed. The building code identifies a single family residence as being a certain size but does not speak to tiny home requirements. Mike Thornton, resident, indicated that some tiny homes are built to be on a trailer frame and be mobile. They have their own incinerator toilets and are on the water supply and make their own electricity. P. Amato said it goes back to the cost of the house, right now the price of housing in New England is high and it is hard for people to start out finding a house or to move fast enough to purchase, but it is a sign of the times. J. Langdell said this gets back to the Master Plan and looking at the housing ordinance and what we have and what we do not have. Work Force Housing is different in every state. She asked if the members have any changes to the ordinance they are thinking about moving forward. P. Amato said the Planning Board should also ask the ZBA about that. Mike Thornton added that many high school graduates are not able to afford to live in Milford.

P. Basiliere said he will not be in town for the July 6, 2021 meeting. J. Cleghorn said that date was for a work session, does the Board feel it is worthwhile to hold that meeting? July 20 has two applications that have been continued on the agenda and one new application so far.

4. **Meeting Minutes:** The Planning Board minutes of 2/16/21 were reviewed. J. Langdell requested amendments. S. Robinson moved to approve the minutes as amended. P. Basiliere seconded. All were in favor. Motion passed unanimously.

The Planning Board minutes of 4/20/21 were reviewed. J. Langdell requested amendments. P. Amato moved to approve as amended. D. Freel seconded. All were in favor. Motion passed unanimously.

The Planning Board minutes of 5/4/21 were reviewed. T. Finan moved to approve as presented. J. Langdell seconded. All were in favor. Motion passed unanimously.

The Planning Board minutes of 5/18/21 were reviewed. J. Langdell requested amendments. J. Langdell moved to approve as amended. P. Amato seconded. All were in favor. Motion passed unanimously.

- 267 **5. Adjournment.** The meeting was adjourned at 8:22 p.m. on a motion made by J. Langdell and seconded by S.  
268 Robinson. All were in favor. Motion passed unanimously.

269  
270  
271  
272 \_\_\_\_\_ Date: \_\_\_\_\_  
273 Signature of the Chairperson/Vice-Chairperson:

274  
275  
276 **MINUTES OF THE 6/15/21 MEETING WERE APPROVED 7/20/21**

APPROVED