

MILFORD PLANNING BOARD MINUTES ~ APPROVED
NOVEMBER 15, 2022 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Janet Langdell, Vice Chairman
Tim Finan, Selectmen's Rep
Pete Basiliere, Member
Elaine Cohen, Member
Paul Amato, Member
Susan Robinson, Member
Susan Smith, Alternate

Staff:

Camille Pattison, Temporary Planner (NRPC Assistant)
Darlene Bouffard, Recording Secretary
Andrew Kouropoulos, Videographer
L. Daley, Comm Dev Director (via zoom)

1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is for the public hearing of two Planning Board applications continued from 10/18/22 and one new Planning Board application. Planning Board members and staff were introduced by D. Knott who also indicated that Susan Smith is an Alternate member to the Planning Board and will not vote tonight unless a member chooses to recuse themselves, but she is able to participate in the discussions.

2. Public Hearings:

- a. Case SP2022-08 Sooner Transportation, LLC for the property located at Tax Map 12, Lot 11, 754-756 Elm Street.** Public Hearing for a Major Site Plan Application to construct a two-story, 7,200 s.f. auto sales and repair facility with associated parking, stormwater management/drainage, landscaping, and lighting improvements on the subject property located in the Commercial 'C' Zoning District and West Elm Overlay District. Request for Waivers from the Development Regulations, Section 6.05.4 to allow a reduction of required off-street parking spaces; Section 6.08.5(B)1 and 6.08.7(A)1 involving required landscaping along the periphery of the property and parking areas/access; Section 6.05.6.E for Parking within 10' of the Right of Way; Section 6.05.5.E & Section 6.05.3.A.4 from Accessible Parking Space Dimensions for a reduction in length. Request for Waivers from the Zoning Ordinance from Section 6.07.6.E.5.a – Parking Lots Should be Located on Side or Rear of Buildings and Section 6.07.6.E.1.a – Proposed Buildings Shall Maintain an Appropriate Street Edge to Adjacent Structures for the location of the proposed building and parking. *(Continued from 10/18/22)*

Katie Weiss, representing the applicant, Bob Baskerville, Attorney, and Jerry Johnson, owner were all in attendance and able to answer any questions regarding this application. K. Weiss indicated the owner now has a signed agreement for lease-to-own for the abutting property with two subsequent year terms, and she therefore will update some of the requested waivers. Since the meeting in October, K. Weiss spoke with the Fire Department that asked if they could back into spaces for the Fire trucks or delivery trailers? K. Weiss said that plan will work. When the business first opens, they will have larger trucks bringing in the vehicles. The owner does not expect large delivery trucks all the time, but they will have some scheduled deliveries.

On the building, a cupola was added to the roof and an arch has been added over the doors as discussed previously to soften the building size. The siding on that part of the building will be a darker color and a sign will be designed at a later time. With the turnaround, the reduction in parking spaces will not be needed and because of the turnaround, those parking spaces needed to be reduced. The dumpster location will allow for pick up the dumpster. The building is still in the back of the lot with parking out front. K. Weiss said those are the only things that have changed since the last discussion in October.

D. Knott asked about the plan to manage snow? K. Weiss responded the snow will be pushed into a few areas and if it is a significant snow event, the snow will be taken off site. There is a note on the

plan regarding snow. D. Knott asked if the snow will be cleared or removed? K. Weiss said that would be in the drainage report, this is a 38,000sf lot. P. Amato asked why the island does not go all the way across Route 101? K. Weiss responded said that she can ask DOT about that. DOT directed the applicant to bring that island back. D. Knott wants the applicant to understand what they are committing to by having that note (regarding snow) on the plan, if it is only the plan, he needs to understand it is not that practical.

Bob Baskerville, attorney, indicated in winter it is common practice that owners make a mound of snow in the parking lot; if they have a lot of cars, they pay to have the snow taken off site. D. Knott re-stated that by having the note on the plan, it is saying the snow will be taken away. Bob Baskerville said the snow will be taken away if it cannot be stored on the site. P. Amato said the snow can be piled anywhere on the site. D. Knott said if the snow is mounded on the pervious area, the drainage system will get clogged. Bob Baskerville said the pavement needs to be vacuumed anyway, they will use pavers which have more space around them. P. Amato said the water will not go through the pavers. D. Knott said that depends on the type of pavers.

S. Smith asked if there will be a curb there with cars? K. Weiss said there will. The Fire Lane will also be marked and have signage. S. Smith mentioned the waivers for landscaping buffers. K. Weiss reviewed those. P. Amato asked what the landscaping will be on the island? K. Weiss said it will have perennials, they might not want trees to be put on the island, the island will have grass. D. Knott asked if the island will have irrigation, to which K. Weiss answered it will not.

C. Pattison mentioned that she thought the applicant and representative would reach out to DOT about the landscaping on the island to make it more attractive? K. Weiss said she has not done that. P. Amato stated there should be a note on the plan that once the abutting lot is owned by this owner, that a Site Plan amendment should be done. He thinks if it is leased for a long time, it should also be amended if they still use it for this business. Bob Baskerville said the understanding was that the Fire Lane goes through that lot so it will be for cars. If the owner integrates the uses being done on this site onto the other lot, the Site Plan must be amended. J. Langdell said the applicant has several different businesses to be done from this lot. If they change what they are doing on this lot, that would have to come back to the Planning Board to amend the Site Plan. P. Amato asked if the other lot also infringes on the State Right of Way? K. Weiss said that it does. S. Smith asked if the turnaround will require an easement? K. Weiss answered it will not because it is shown on the Site Plan. But if the site is used in a different way, J. Langdell said the Site Plan needs to get amended.

D. Knott asked what chemicals will be used on the site? K. Weiss responded just the normal car lot, repair shop chemicals such as gasoline, oil and other vehicle products. J. Johnson said that any car work will not be done outside, it will be done inside and there will be one paint booth inside; if a vehicle drips oil, it will be cleaned up. D. Knott asked about what will be done for the pervious areas if there is an oil leak? J. Johnson explained any oil leak would be sopped up with appropriate machines and would get reported to the EPA. D. Knott asked if that is done on pervious pavers? J. Johnson said they would replace the pavers that were leaked on. D. Knott asked if there will be a process to check for leaks? J. Johnson said yes, they have a process for that, they have an inspection process for the cars. A jack is used to look underneath the vehicles for leaks. C. Pattison said you need to be sure to comply with the ordinance. J. Johnson said he is very familiar with the process, this is not his first rodeo. C. Pattison suggested J. Johnson become familiar with the town Groundwater Ordinance so that you comply.

P. Amato asked why can't the applicant just have fewer cars on the site so the waiver for parking would not be necessary? K. Weiss responded the applicant wants to have 40 display cars, the applicant wants the flexibility with the additional spaces. The waiver is to have

eighteen spaces in the front not the 21 that are required. P. Amato does not want it to become a mish-mash. If there are too many vehicles on the lot, the Town can shut the business down. B. Baskerville asked if three parking spaces could be marked for employee parking? P. Amato asked how many employees will there be? J. Johnson responded about ten. P. Amato mentioned that there are times when people cannot get their car serviced because they are waiting for parts. J. Johnson responded that there will be perhaps two people that are coming in to look at vehicles at any one time. People getting vehicles serviced will come and go. He does not want a lot of stuff clogging up the site, he wants it to look good for the Town. He appreciates that these concerns are being brought up. P. Basiliere asked if the parking spaces will be striped? K. Weiss said the display spaces are not striped.

L. Daley said the number of spaces for the property uses on the lot has ten spaces; would the parking used for employees and eight used for the other uses, be enough? K. Weiss said there are also eight service bays in the building for service so there will be 16 spaces total for cars. J. Johnson said the abutter's lot, that he will be leasing, has 25 cars on it which is much smaller than his lot. P. Amato noted that business does not service vehicles. Mr. Johnson's idea is to get this going and make it better. P. Amato would be more comfortable without the waiver (for parking) but just identify the spaces differently. J. Langdell asked how the applicant got from 28 spaces to 21? Two different calculations were used, so how did we get to 21 spaces? K. Weiss answered the number was based on the regulations. The waiver for parking changed three times based on the different configurations. C. Pattison stated one of the plans had it broken down; asking what has the Planning Board done in the past when there are two options? P. Amato said things evolve and sometimes it gets messy, we want to make sure the Site Plan makes sense for the property. If 32 spaces are provided and the applicant cuts down the display spaces, the waiver is not needed. K. Weiss said the applicant is okay with that decision; 21 spaces and labeling three spaces for employees only, (not for display) without a waiver. P. Amato said that will give them more flexibility.

P. Amato said the other waiver is for land buffers. P. Amato feels they have changed the lay out of the building enough. J. Langdell feels they have worked towards the spirit of the ordinance. P. Amato said in the 15' setback, 10' can be landscaping. C. Pattison said the Fire Department looked at the plan and came up with the turnaround which caused the landscaping on the west side to not be done.

L. Daley indicated the handicapped spaces need to be 10' x 20'. K. Weiss said the government regulations do not require that, but the Town regulations do. P. Basiliere asked about the ADA spaces, how large are those? L. Daley said 24' wide aisles are required. C. Pattison asked about the DOT extension and how that could be phrased; J. Langdell asked if the Board could stay on the motion and come back to that. Seeing no further discussion or questions from the Board, D. Knott opened the public hearing asking for people to state their name and address if they would like to speak. There were no questions or comments from the public. D. Knott closed the public hearing.

J. Langdell asked if the Board should vote on the waivers individually or just vote on them as a group? D. Knott asked how the Board would like to handle that? All concurred to vote as a group on the waivers. J. Langdell moved that the Board approve the four waivers as listed on page 2 of the Special Staff Memo numbers, 3, 4, 5 and the revised waiver listed as number 2. P. Amato seconded. All were in favor of the motion.

J. Langdell moved to approve the application with the following conditions:

1) The parcel must comply with the performance standards of Section 6.01.2 Groundwater Protection District and the Shoreland Protection Zone in the Zoning Ordinance.

2) The approved stormwater and drainage design must be constructed as shown on the plan dated November 2, 2022. Any changes will require additional review and approval by the Town's consultant.

3) The Life Safety Code occupancy classification is a Special-Purpose Industrial Occupancy and must comply with Chapter 30 of the LSC.

4) An automatic fire detection and notification (fire alarm) system and automatic sprinkler system must be installed as indicated on plan note 17.

5) On November 4, 2022, the Milford Fire Department approved the plans entitled "Sooner Milford Site Plan", with a revision date of November 2, 2022. If the design is not further modified, these plans will be acceptable for the site portion of our building permit review, but if any changes are made Milford FD would need to review a new set of drawings as part of building permit review when that time comes.

6) Please note that Milford Fire Department approval of site plans does not constitute issuance or approval of a building permit, nor does it address all fire and life safety code requirements for buildings constructed as part of the project.

7) The applicant is working towards a lease to own agreement for the adjacent property to the east. A note should be added to the plan stating "If future ownership is obtained on Map 12 Lot 10, then the owner must submit a revised site plan to revisit the potential merging of the uses on both individual lots."

8) Applicant to work with DOT on extension of the island to the east entrance in the same shape as the west entrance. Also, will NH DOT allow for some trees to be located within the ROW south of the existing paved island.

S. Robinson seconded the motion. All were in favor. Motion passed.

- b. Case SP2022-09 371 Elm Street, LLC, for the property located at Tax Map 16, Lot 1, 371 Elm Street.** Public Hearing for a Minor Site Plan for a change of use from motel to a multi-family apartment building and relate site improvements on the subject property located in the Integrated Commercial Industrial zoned property. Waiver of Development Regulations, Section 6.05.4 Table of Off-Street Parking to allow 1 parking space per unit where 2 spaces are required. Waiver of Development Regulations, Section 6.08.5.A and B and Section 6.08.6 from requiring landscape buffers on/along the periphery of the property. Waiver of Development Regulations, Section 6.08.6 from requiring landscaping along the frontage of the existing building. *(Continued from 10/18/22)*

D. Knott indicated an email was received from the applicant regarding the application for 371 Elm Street LLC. P. Amato moved to continue the application to December 20, 2022. T. Finan seconded. All were in favor.

- c. Case SD2022-10 Aveni Trust, for the property located at Tax Map 29 Lot 22, 119 Union Street.** Public hearing for a Minor Subdivision application to subdivide the subject lot into three lots within the Residential 'A' Zoning District.

J. Langdell moved to accept the application as complete. E. Cohen seconded. All were in favor. P. Amato moved no potential regional impact for this application. J. Langdell seconded. All were in favor. The abutters list was read by D. Bouffard.

Samuel Ingram, representing the applicant presented the plans and passed out an alternate plan for review to all Board members. This application is for a 3-lot Subdivision with an existing dwelling on one of the properties that will become part of one of the lots. The existing dwelling has over 600' of sight distance down Union Street. S. Ingram noted that an easement to maintain that sight distance is part of this subdivision. Lot 29/22-1 and 29/22-2 are the other two lots. The ZBA granted a variance for reduced frontage for 50'. The lots are all served by municipal water and sewer. There were a few comments from staff, including that a driveway permit would be required for each. There was one comment made at the ZBA meeting that the driveways might be an issue. Both driveways would access Union Street and Osgood Road. The curb cuts along the roadway (for two lots) were done when sidewalks were installed and could be used for the two driveways. Monumentation needs to be set prior to signing the plan. S. Ingram said the corner monuments will be done prior to Certificate of Occupancy (CO) and not the signed plans. S. Ingram asked if there were any questions from the Board.

P. Amato stated the driveway will be too close to the intersection. S. Ingram said yes, there was concern at the ZBA about that intersection. After the ZBA variance was approved, the applicant had a conversation with Leo Lessard, (DPW Director) who provided comments and opinions on the matter. The result was that he has no problem with the location of the driveways as proposed. P. Amato's concern would be for a person to back out of the driveway into that intersection. S. Ingram agreed. Roger Aveni, applicant, said he looked at the number of accidents at that intersection with the Police Chief, and as far as safety, the intersection seems okay. Roger Aveni does not back out of his driveway typically. P. Basiliere thinks there should be a note on the plan to have a turn around for any vehicles leaving the driveway so that there is no backing out into the intersection. P. Amato said this is residential and is a subdivision not a site plan, so he is not sure how that can be enforced. P. Amato said it is better to have two separate driveways than one combined. Roger Aveni said it looks dangerous but the reality is that it is not dangerous. P. Basiliere feels the Board should strongly recommend to the buyer to put in a turnaround to allow the driver to pull out straight and not back out of the driveway.

L. Daley indicated that an easement for sight distance should be drafted and provided to Community Development for review and then be recorded. The Sight Distance easement will be added to the plan and drafted for review. Once the lot is sold, the easement will get recorded. P. Basiliere asked if the driveway should be located further up Osgood Road, not in the current curb cut as proposed? L. Daley said a condition could be put on the plan to have a turnaround to prevent cars from backing out into the intersection. There was discussion and concern from a traffic engineer that is a member of the ZBA about introducing more traffic into an already challenging intersection. A letter stating the same was provided to the Planning Board regarding this application and to recommend having a driveway turnaround.

Roger Aveni, applicant, indicated if the driveway is moved further up Osgood Road, the sight distance is lost down Union Street. If the curb cut there now is used, there is over 600' of sight distance. S. Smith asked about the crosswalk possibly being moved at the intersection? T. Finan was also looking into that option, but there is no sidewalk on the opposite site of Union Street. E. Cohan is in favor of having two driveways, not combining the two driveways. P. Basiliere understands that shared driveways are difficult, but he has a hard time when there could be cars backing out into the intersection.

P. Amato said the Planning Board does not have authority for driveways, DPW does. L. Daley indicated when it involves a Subdivision, the Planning Board has authority for driveways. In this case, the Planning Board has the authority. P. Amato said for the Curtis Commons Subdivision, the Planning Board did not have authority for driveways? L. Daley said yes they did, because the driveways were shown on the Subdivision Plan. P. Basiliere said there would need to be two driveways but the second curb cut further up Osgood might be less than 50' from the next lot. P. Amato thinks the Board still needs to encourage a turnaround to drive out straight. S. Robinson agrees there should be two separate driveways, not a common driveway, to which S. Smith agreed. P. Amato said if the driveway is moved further up Osgood Road, will the sight distance easement still be required? S. Ingram said yes but for fewer feet. S. Ingram said the condition of receiving the CO is because the town requires a plot plan of the monument locations after the home and driveway are built. That is because during the construction phase the earth can shift and if monuments are set during that time they can also shift.

Seeing no further comments or questions from the Board, D. Knott opened the public hearing, asking that speakers state their name and address before speaking. Seeing no questions or comments from the public, D. Knott closed the public hearing.

P. Amato moved to approve the application with the condition to move the driveway for 29/22-2 further up Osgood Road where DPW and the applicant agree and if there is less than 50' from the next parcel that the Board is agreeable to that and that the Board urges the owners of 29/22-1 and 29/22-2 to have a turnaround to drive straight out and not back out and that a Note 14 be added that the monumentation will occur after the build out is complete and be concurrent with the Certificate of Occupancy. J. Langdell seconded. All were in favor.

- d. **2023-2028 Capital Improvements Plan.** L. Daley indicated tonight is the public hearing for the adoption of the CIP by the Planning Board. P. Basiliere explained the Planning Board has been reviewing the CIP along the way for the months that the CIP Committee has been working on it. This is the 2023-2028 CIP and the Committee is looking for it to be adopted. The one item that had a tie vote at the last meeting was for an ambulance to replace the 2013 ambulance. The CIP was adopted on motion made by J. Langdell. S. Robinson seconded. All members were in favor, with P. Amato opposed. The motion passed.

3. Other Business:

4. Meeting Minutes:

J. Langdell moved to approve the minutes of September 20, September 27, and October 4, 2022 as presented. P. Amato seconded. All were in favor. Motion passed. Motion passed.

5. Upcoming Meetings:

12/6/22 – Planning Board Work Session (Master Plan)
12/20/22 – Planning Board Public Meeting
1/3/23 – Planning Board Work Session

6. **Adjournment.** The meeting was adjourned at 9:01 p.m. on a motion made by J. Langdell and seconded by S. Robinson. All were in favor. Motion passed.

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

The Planning Board minutes of 11-15-22 were approved 12-20-22