

MILFORD PLANNING BOARD AND ZBA MEETING MINUTES ~ APPROVED
September 15, 2020 Via Zoom, 6:30 PM

Members Present:

Tim Finan, Vice Chairman
Janet Langdell, Member
Paul Amato, Member
Laura Dudziak, Selectmen's Rep
Pete Basiliere, Member
Susan Robinson, Member
Tracy Steel, ZBA Member
R. Costantino, ZBA Member

Staff:

Kellie Walsh, Planner
Darlene Bouffard, Recording Secretary

Lincoln Daley

Excused:

Doug Knott, Chairman
Laura Dudziak, Selectman's Representative

1. Call to order:

In the absence of Chairman D. Knott, Vice Chairman T. Finan called the meeting to order at 6:30 p.m. T. Finan read the Telephone Conference Preamble as follows:

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: J. Langdell at her home in the room alone; P. Amato was at his home in the room alone; T. Finan in the Community Development conference room alone; P. Basiliere was at his home in the room alone; S. Robinson was in her sunroom alone; K. Walsh was in her Community Development office alone.

2. Public Hearing(s):

- a. **Quiet Caboose Holdings, LLC (applicant/owner).** Review for acceptance and consideration of final approval for a major site plan to construct an 1,800 square foot building with garage and associated site improvements for wholesale storage and warehousing. The parcel is located at 15 Elm Street in the Commercial and Nashua Elm Street Overlay Districts. Tax Map 25, Lot 16.

T. Finan explained this plan was already accepted at the August 18, 2020 Planning Board meeting, it was determined at that meeting there is no potential regional impact. Spencer Tate, Meridian, was present as

well as Chad Hayes of Hayes HVAC. S. Tate indicated the plan was shown at the August 18 meeting. This property has an existing older domicile with some outbuildings; the applicant would like to tear down some existing outbuildings and build a garage to store some of his business equipment for safety and security. The applicant would like all the business vehicles and equipment to be protected from all weather. There is no expansion of the parcel, with this modification it will better serve his business. Some changes to the plan since the site walk include the landscaping being added in accordance with the Elm Street corridor overlay district and we now show the dumpster location and have regraded is so it is ADA compliant for parking. Some minor revisions were done to the building elevations with the pitch, dormers and windows to give it a similar look to the building at 15 Elm Street. K. Walsh did not receive these revised plans prior to just now so she has not seen these yet. S. Tate said this morning was when the final correspondence with the architect was received. J. Langdell asked if the picture of Bales School could be shared on the screen. S. Tate shared the photo on the screen of Bales School and the residence at 15 Elm Street immediately to the west of this property. S. Tate said he can provide the e-mails from the architect for comparison. The concerns that were brought up at the last meeting have been addressed.

T. Finan asked if the elevations were made to comply with the overlay district? S. Tate said that is correct. J. Langdell asked why they need the porch on the backside of the new garage? C. Hayes responded the porch is for storage of the pipes, to keep them out of the elements, the back porch will give shelter to the pipes and provide an outdoor area to be used by the tenants and by him to hang around outside. It is also for egress and for the storage. J. Langdell said this plan is bringing to light one of the hazards for a multi-use lot that has both residential and commercial uses. S. Robinson asked if the pipes will be stored underneath the porch? C. Hayes said yes. S. Robinson asked if there were any comments about the size of the structure? C. Hayes said there was not. S. Robinson asked about the e-mails from the architect, could those be shared. S. Tate said the e-mails were concerning the Overlay District since there is no real type of appearance in that area. S. Robinson said each building is different but they are each pure in their design.

P. Basiliere is pleased that the handicapped parking is moved to where it is more accessible. His concern is the building itself and he has not seen any architectural renderings. He is having difficulty without having seen this building design to see if it is appropriate for this area. Does the overlay district have any requirements for a structure like this? J. Langdell said the design guidelines do have certain items that are required, and she asked K. Walsh what those requirements are. K. Walsh read from the overlay district which includes peaks, dormers and no flat roofs, it does have specific elements for architectural design elements. K. Walsh said this appears to meet a majority of those items. P. Amato said if 10' were taken from each side of the existing deck, it would not be so visible to the residence next door. J. Langdell said it is visible from the abutters, which are totally residential. J. Langdell asked what will the function be for the upstairs of the garage? C. Hayes said it will be part storage, mostly dry storage and a stockroom; an inventory of parts is required. P. Amato asked if there will be a residential area in the upstairs? C. Hayes responded there will not.

P. Basiliere said that 20' pipes will be difficult to get out back under the porch, how will that be done? C. Hayes responded said there is 12' of deck and 15' to the property line which gives them 27' to maneuver the pipes. T. Finan asked for further comments from the Planning Board. There were none. T. Finan opened the meeting to the public. K. Walsh said there was nobody waiting in the waiting room. The public hearing was closed.

J. Langdell asked if during the site walk any abutter representatives had any concerns? S. Tate said the abutter was most concerned with the siding. P. Amato asked if vinyl siding will be used? C. Branon said it will be either clapboard or vinyl, whatever the Planning Board would like. T. Finan said that the handicapped parking was moved, but in the first meeting there was concern about the slope. S. Tate said they had to back up the nosing end, we were about to flatten that in order to meet the ADA requirements. P. Basiliere asked if there were any other concerns that staff had? The Planning Board did not see the elevation images until tonight. J. Langdell said the e-mail from the architect was part of the presentation and can be part to the motion as can the renderings presented tonight. P. Basiliere feels that will be sufficient. With the documents referred to tonight, P. Basiliere asked can that be made part of the file and the motion? T. Finan asked for a motion. K. Walsh said the building elevations satisfy her requests if the

Planning Board is satisfied with what was presented tonight she feels her concerns are addressed. L. Daley asked about the landscaping. S. Tate said along the building frontage is part of the plan, we are relocating a couple of shrubs. L. Daley asked about the bordering property. S. Tate said the requirement is to include landscaping along the residence, there is a fence and some landscaping around the dumpster enclosure; and there is a 6' vinyl stockade fence.

P. Amato moved to grant conditional approval and that staff be sure the architectural renderings and letter become a part of the Planning Board file. P. Basiliere seconded. A poll was taken: P. Amato yes; S. Robinson yes; J. Langdell yes; P. Basiliere yes; T. Finan yes. Motion passed.

- b. **TEG Holdings, LLC (owner/applicant)** – Review for acceptance and consideration of final approval for a subdivision plan to subdivide the existing lot of record into three parcels. The parcel is located at an unnumbered lot on Osgood Road in the Residence R District, Wetland Conservation and Floodplain Management Overlay Districts. Tax Map 51, Lot 23. This parcel is also located on a designated Scenic Road (Osgood Road) which requires a public hearing per NH RSA 231:158.

T. Finan stated the application is complete. J. Langdell moved to accept the application for review. P. Basiliere seconded. A poll was taken: P. Amato yes; S. Robinson yes; J. Langdell yes; Pete Basiliere yes; T. Finan yes.

P. Amato stated this subdivision does cross the town line, therefore he feels there is potential regional impact. The lot that will be in Brookline will be accessed from Milford, asking do they need to go to Brookline for that lot? K. Walsh provided the criteria on the Zoom screen to review if you would like to discuss. J. Langdell said that for a similar subdivision on the border of Amherst, did that cause regional impact to Amherst? T. Finan said that one lot in Amherst was not part of the development, it was just a part of the subdivision. T. Finan said if they have already submitted to Brookline, does that take care of it? J. Langdell said that is similar to the Amherst one. John Rohke said we have not gone to Brookline yet. P. Amato asked if they have applied to Brookline at all? John Rohke said they have not submitted yet, it will be submitted if this is approved. P. Amato moved that there is potential regional impact to Brookline. T. Finan said if we determine there is regional impact then this application stops right now. J. Langdell said Milford would have to do the notification for regional impact. K. Walsh said that is correct, if there is regional impact we do not continue with the application tonight. John Rohke said the Town of Brookline was notified through the abutters list about tonight. The fourth lot cannot be done without Brookline being on board with the subdivision. K. Walsh said regional impact notification is separate from the notices on for this meeting.

P. Amato indicated if they notified Brookline of tonight's meeting, could that preclude this being regional impact? K. Walsh said no, this is an application before Milford Planning Board right now. P. Amato said this is on the border of a neighboring community. P. Amato moved that this application has regional impact. Pete Basiliere seconded. A poll was taken: P. Amato yes; S. Robinson yes; J. Langdell yes; Pete Basiliere yes, T. Finan yes. Motion passed that there is regional impact. P. Amato asked if this gets tabled or do we listen as a conceptual plan to get input? J. Langdell said this was noticed as a regular plan, not as a conceptual plan. L. Daley agrees with K. Walsh, this was advertised for a final design and they would have to withdraw and re-apply for a conceptual design. L. Daley said the regional impact process is a separate application from this process, the Board feels there is regional impact, we did not know until tonight that there will always be a need for two meetings. L. Daley said the Dollar General on the border of Wilton was determined that it did not have regional impact. You cannot avoid it in this case, the Planning Board determined there is regional impact. J. Langdell said in past years people come in with a design review and you can determine regional impact at that time, but when you come in with a final plan, you run the risk that there will be regional impact. K. Walsh indicated this application is done for tonight.

This application will be on the October 20 Planning Board agenda. L. Daley stated that NRPC needs to be notified, schedule this to the next available Planning Board meeting and make sure NRPC adheres to our schedule. P. Amato said Milford should be looking for a letter from Brookline and NRPC saying they

do not have any problems with this, to which L. Daley agreed. This is an opportunity for the Milford Planning Board to work with the Brookline Planning Board and exchange information.

P. Amato moved to table this application to the October 20, 2020 Planning Board meeting and hope that we hear from NRPC and Brookline by that time. S. Robinson seconded. A poll was taken: P. Amato yes; S. Robinson yes; J. Langdell yes; Pete Basiliere yes; T. Finan yes. T. Finan indicated that there will be no certified abutter notices, as this meeting is the public notice that the application will be heard at the October 20, 2020 Planning Board meeting because this is being tabled. J. Langdell asked what the Brookline Planning Board schedule is. J. Rohke responded that he will work with Brookline and NRPC on the scheduling.

3. Joint Planning Board and Board of Adjustment Public Meeting:

- a. **San-Ken Homes Inc. (owner/applicant)** – Conceptual discussion for a potential site plan to construct two condominium buildings totaling seven units along with associated site improvements. The parcel is located at an unnumbered parcel on Wheeler Street in the Residence A District, Floodplain Management and Wetland Conservation Overlay Districts. Tax Map 30, Lot 19.

T. Finan explained this is only a conceptual discussion and that the Zoning Board has been invited to join in on this as well. John Rohke, representing San-Ken Homes shared his Zoom screen to show the property being discussed, for which they are looking at a 7 unit condominium development based on the lot size, density and buildable lot size. Nothing will be done in the flood plan or river, this is on municipal water and sewer; the water line might need to be upgraded. A retaining wall will be constructed around the back to retain the wetland area in the back. The frontage is less than the 200' requirement, so the ZBA applicant has been submitted for frontage and also for a multi-family building on this lot, but this is a unique lot that was existing before the zoning was in place. It was felt that a multi-family was the way to go with the infrastructure requirements. P. Amato suggested this lot could be developed as one single family resident which would not require the ZBA involvement or Planning Board involvement. S. Robinson asked if the back part of the lot could be subdivided? J. Rohke said it cannot, it will be open space for the condos. S. Robinson asked about the Heritage comments and the property's prior use and recognition of that. J. Rohke responded they are gathering information on that right now.

J. Langdell said the title search will show if this lot was ever subdivided off of 16 Farley Street, or has it always been a lot of record and if so, for how long? J. Rohke would have to check that. J. Langdell believes this was once part of the next lot. This is a significant change to that longstanding neighborhood. P. Amato asked if that access has always been the access to this lot with the narrow entrance? J. Rohke responded it appears it was from this access point. J. Langdell asked where visitors will park? J. Rohke indicated there is no visitor parking at this point. J. Langdell asked if there has been input from the Ambulance Director? J. Rohke said the comments from emergency services will be worked on before this is brought in with a formal application. The ZBA meeting is coming up October 1, 2020, which asks for relief. P. Amato asked how was 7 units chosen? J. Rohke said the calculations produced 7 units based on the lot size. P. Amato said that is if it was in the B zones; in the A zone we do not allow this, which is why you are asking for relief.

Kenny Lehtonen, San-Ken Homes, stated they chose a colonial design and a fence will be erected so it will not be visible to the neighborhood. T. Finan asked about the neighborhood? What will they be looking at? K. Lehtonen said it will be a white fence they will be looking at. J. Langdell recommends that the ZBA and PB and Conservation get a site walk done before the ZBA meeting October 1. P. Amato asked if a site walk could be held before there is a plan before the Planning Board? K. Walsh said if the owner allows a site walk it can be set up. K. Lehtonen said he is open to having a site walk on the property, noting that he is open to have the back portion of the condominium building as open space.

Pete Basiliere is having a hard time wedging in 7 units into this space of land and in the existing neighborhood. K. Lehtonen said the neighborhood has quarter acre lots. Pete Basiliere said when looking at the area where you will put seven units, it looks like it is being forced in. P. Amato said the Stone House did something similar to this. J. Langdell said the available space for the residents to enjoy the outside, she does not see that in this development because there are wetlands out there. K. Lehtonen

said at a site walk everyone will see it is very nice land and a trail area could be enjoyed by the neighborhood. T. Finan asked what the existing foundations on this property are: stone or concrete? K. Lehtonen responded they are mostly stone. J. Langdell asked how big will the backyard area be? J. Rohke answered 7-8'. P. Amato asked if it can be made a little bigger? K. Lehtonen said we are open to discussion for that type of thing, and all the units have a walkout basement. T. Finan asked where snow will be stored? John Rohke answered it will be placed between the two buildings and off to one side. K. Lehtonen expects some changes after this goes to the Fire Department when a driveway design is determined. J. Langdell asked if any zoning members have questions.

L. Daley noted that a neighborhood comparison would be helpful for the Zoning Board on October 1 for the multi-family use in a residential area. The proposed density calculations would also be helpful for the ZBA. P. Amato asked if the ZBA can determine that maybe only five units work here, that is a collaboration between Planning and Zoning; the ZBA can suggest a reduction in density for multi-family. L. Daley said there is a need for affordable housing in the regulations. The needs of the community need to also be considered and must align with the Master Plan to substantiate support of this type of plan. J. Langdell said we need affordable housing, and having single floor homes is important but we must look at the context in an established neighborhood. The case for hardship will be enlightening. P. Amato asked when an application will be before the ZBA J. Rohke responded on October 1. P. Amato asked if a date for site walk could be coordinated with Conservation and Zoning, let by the Planning Board. J. Langdell asked if the site walk could be scheduled for Tuesday September 29 at 5:00 pm? T. Steel said she can be there for 5:00; P. Basiliere can be there also. It was agreed to hold a site walk at the property on Tuesday September 29 at 5 p.m., if the neighbors can be notified. K. Lehtonen said people should park on one side of wheeler street. L. Daley noted that abutters were notified of tonight's meeting since there is an active application for the ZBA. J. Langdell questioned why abutters were noticed for a conceptual. L. Daley said that was done for tonight's meeting only for the conceptual. J. Langdell was pleased to hear that.

T. Finan indicated there are 7 phone numbers waiting in the waiting room. Alicia Johnson, abutter 16 Farley Street has several concerns on this development. Major concerns are pollution and how close the driveway is to her property. K. Lehtonen responded in 1936 this was still a separate parcel, but it was subdivided prior to 1970. J. Rohke will find out and get the exact date for the next meeting. Erik Curtiss, 14 Spruce Street, said if feels like these condos are being shoe-horned into this lot. The next actions on this discussion are: September 29 – 5 p.m. site walk and October 1 – ZBA hearing.

4. Discussion/possible action regarding other items of concern:

L. Daley explained a letter was received regarding Badger Hill development and the scenic road hearing that was withdrawn. It is a letter defining a brief history of the Badger Hill development identifying why there is only one entrance/egress. T. Finan expressed to the public that the letter, received September 1, 2020 from Harry Standel, will be stored in the Community Development office for those that would like to review.

5. Minutes -

P. Amato moved to approve the minutes of August 4, and August 25, 2020 as amended. S. Robinson seconded. T. Finan took a poll: T. Finan, yes; P. Amato, yes; J. Langdell, yes, P. Basiliere yes; S. Robinson yes. Motion passed unanimously.

6. Adjournment. The meeting was adjourned at 8:38 p.m. on a motion made by J. Langdell and seconded by P. Amato. A poll was taken: T. Finan, yes; P. Amato, yes; J. Langdell, yes; P. Basiliere yes; S. Robinson yes; Motion passed unanimously.

Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

MINUTES OF THE 9/15/2020 MEETING WERE APPROVED 11/17/20