

MILFORD PLANNING BOARD MINUTES ~ APPROVED
JANUARY 17, 2023 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Janet Langdell, Vice Chairman
Tim Finan, Selectmen's Rep
Elaine Cohen, Member
Paul Amato, Member (via Zoom)
Susan Robinson, Member
Susan Smith, Alternate

Staff:

Terrey Dolan, Town Planner
Lincoln Daley, Comm Dev Director
Andrew Kouropoulos, Videographer

Excused:

Pete Basiliere, Member
Darlene Bouffard, Recording Secretary

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. The first application will be heard for the first time tonight and the other application was continued from 12/20/22. 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 since P. Basiliere is not present tonight, she will vote tonight in his absence. P. Amato is attending via zoom this evening therefore there will be a roll call vote.

2. Public Hearings:

- a. Case SP2022-11 371 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 related 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 for reduction of required parking spaces per unit where 2 spaces are required. Waiver of Development Regulations, Section 6.05.3 to allow for a reduction of the required parking space dimension. 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 12/20/22)*

Ben Legere, owner, indicated they made some tweaks from some comments made at the last meeting, he asked if Lincoln Daley wanted to share the plans, to which L. Daley responded to give him a minute to pull up the plans. B. Legere continued that they went back and took a stab at the parking on the existing site which is a 12-unit motel they are trying to convert to a multi-family use, and keep the interior pretty much the same other than adding kitchenettes. Last year everything was updated, and there will be some code updates, sprinkler systems etc. After the December meeting, Ben took a stab at what he could get. Ben found that they could get to 18 spaces, it is a funky layout in order to get to the 18 spaces. The easement between the two parcels which was put in place when the lots were subdivided in order for both owners to be able to access the dumpster, has caused some problems with the parking. The easement is in place; with this plan each unit would be deeded one parking spot with 6 overflow parking spots for guests which would be written in the leases that guests may park there for 48 hours after which the car would be towed, it would also be written in the lease that during a snow event over one inch any cars in the overflow parking area would need to be removed for plowing.

Ben Legere continued that it will be a narrower access point, with one way in and one way out which will help with the traffic situation. There will be a waiver required for the 1.5 spaces per unit and also for the parking space size to be what exists there today. In drawing up this plan, Ben was able to add a planter space in the corner that was dead space which will have a shade tree and four baby spruce

56 trees planted, so that they do not grow too tall. A waiver for the landscaping on the west side of the
57 parking area will be needed. Ben asked if there were any questions on the new plan.
58

59 Janet Langdell asked if the applicant received a copy of the DPW Engineer's letter recommendation?
60 T. Dolan asked if it is a letter or the staff comments? J. Langdell corrected herself that she meant the
61 staff comments, did the applicant get a copy? T. Dolan does not believe that was sent to the applicant.
62 J. Langdell said the applicant needs to have that. S. Robinson also had the same comment. L. Daley
63 asked if Terrey could read the comments into the record. J. Langdell said it is the document that Dawn
64 Tuomala wrote. D. Knott read the letter dated January 13, 2023 from Dawn Tuomala, Town Engineer
65 which is in the Planning Board file for the Motel application.
66

67 In response, Ben Legere stated they knew the driveway would need work and he believes this plan
68 satisfies those issues and the crushed stone will help dissipate some of that drainage. Ben suggested
69 that the Town look into its own catch basin system in that area. The applicants are here to make the
70 situation better, the best use is for a motel use. Ben Legere has talked to Lincoln about this site and the
71 drainage is more than what was anticipated for this site. D. Knott asked the applicant to move on, since
72 much of what is being said has been said previously. J. Langdell asked if the kitchenettes will be within
73 the units? B. Legere responded yes they will be within the units.
74

75 D. Knott asked if Conservation has provided information? T. Dolan said it was provided today. D.
76 Knott read the memo from the Conservation Commission about this change of use which is a part of
77 the planning file. Andrea Kokko-Chappell had submitted a letter about this change of use stating these
78 are extremely small studio units, typically one person per unit, therefore one car parking should be
79 considered for this project. Using the Stone House condominium project as an example for one car
80 parking per unit. Further there are many multi-family housing units in town with limited parking, it
81 comes down to enforcement of the parking. In the property management business, there are locations
82 in Milford that only have one car parking and if there is more than one the car it will get towed, it is
83 written into the lease; studio apartments are in high demand in this area and there is a lack of
84 availability, and she feels this is a good use of the property. One car parking is more than sustainable
85 in this situation. J. Langdell thanked A. Kokko-Chappell for her letter and for her verbal testimony.
86

87 T. Dolan confirmed that the temporary parking would be for 24 hours or 48? A. Kokko-Chappell
88 replied that if there were a certain situation, the temporary parking could be extended on an as needed
89 basis. J. Langdell asked about access (12 months/year) to the dumpster will it be to the east side of the
90 lot across the gravel area? B. Legere responded that it depends on the parking situation. For the town
91 that is the best option. D. Knott said the Board is trying to make this work with minimal parking. T.
92 Dolan pointed out the dumpster photo and stated that shows the property line. B. Legere said the
93 dumpster location is right on the property line, so the truck will actually access the dumpster right on
94 that easement.

95 Janet Langdell is concerned about extending the parking on the green space where the water line will
96 be installed and where there is a known water issue. Is there a number that would still be acceptable.
97 S. Smith questioned some of the parking spots and the orientation. After further discussion, it was
98 agreed that 15 parking spaces would be acceptable. P. Amato asked about the truck collecting trash
99 that it might possibly back in to the lot to collect the trash, rather than backing into Elm Street. B.
100 Legere indicated that if 3 spaces were removed from the plan in that easement, there would be enough
101 space for a trash truck to be able to turn around. The concern of J. Langdell is the non-availability of
102 off-street parking. L. Daley stated 12 units and 12 parking spaces, plus 3 additional for visitors, would
103 equate to 15 parking spaces for this plan, that seems workable. P. Amato asked about handicapped
104 parking? J. Langdell responded that there has to be a handicapped designation. J. Langdell offered that
105 one space could be designated as handicapped. T. Dolan had looked at the possible designation of one
106 handicapped parking space in the diagonal space at the corner of the building that would allow for the
107 additional space required by the handicapped vehicles since there is a corner piece that is wasted space.

108 There was discussion on the parking on the western side of the site and avoiding having cars backing
109 into Elm Street. B. Legere offered that a fence could be added to allow the car to back out safely. L.

Daley noted that the three spaces on the east side have been recommended for removal on the site plan, which would allow for safer turn around. D. Knott asked what is the consensus on the number of parking spaces? All concurred that 15 spaces would be sufficient and staff will work with the applicant on the location (14 plus one handicapped) and the dumpster location where it is proposed. B. Legere said the corner parking space with the additional space is most viable for handicapped. S. Smith noted that the four spaces on the western side go over the water line, is that a concern? L. Daley is not concerned about that and staff can work with the applicant on that and the water ponding in that area.

B. Legere said the water on his lot can be handled, but the town has to also do some work regarding the water. S. Robinson asked if the applicant wants to work with the town on the water problems? B. Legere said the water pipe does not benefit his property at all, it is water from another property. There is also a swale that is on this property that does not benefit this site at all. D. Knott indicated that this has all been disclosed at previous meetings. B. Legere said this site cannot handle the sheeting coming from the State Road, it is a State and Town issue, the pipe does not serve his property, he would like the pipe and swale moved; somebody put drainage on his property, and this is a burden. B. Legere is willing to add parking, do crushed gravel, have a crown on the driveway, and gutters will be on the building. D. Knott said this has all been stated previously. L. Daley suggested that staff work with the applicants on the storm water and the pipe, which has been there for a very long time, the ponding is not substantial, and stormwater cannot be resolved by this applicant. D. Knott indicated that the DPW Director has asked that this applicant deal with the stormwater and ponding at this site and the applicant is stating that he will not address that. J. Langdell said the Board could ask them if they could collaborate to address the ponding on Elm Street related to the drainage and if it cannot be done collaboratively with a condition on this plan, then it will come back. B. Legere asked if with this plan stormwater was triggered, since the plan was designed to NOT trigger the stormwater requirement; B. Legere kept the disturbance under 5000 sf so it would not trigger stormwater.

D. Knott suggested that B. Legere let the Planning Board work through this, listen to what Lincoln Daley is explaining, we are trying to help make this work for the applicant. L. Daley indicated the town is not looking at any major drainage overhaul for the entire property, let's get that clear for both the Board and the applicant, the town is looking to resolve the ponding that is happening on Elm Street, it is not substantial ponding, but enough to raise concern from the Engineer, DPW and staff. As suggested before, L. Daley does not see this as a heavy lift, we are not looking for a full-blown drainage analysis on the entire property nor on this area; we are trying to resolve some residual ponding that has been existing for a period of time that causes icing conditions on Elm Street and also on the applicant's property. This should just be a conversation with DPW to find a low-tech solution that will be amenable to the applicant and the town. This should be a simple plan for a condition that is occurring and should not be an expensive fix, that's it. B. Legere stated he has done a lot of these types of projects and it either triggers stormwater or it does not; he feels that this is a town problem and the town wants Ben to fix its drainage problem. This is a minor site plan review, there is no legal trigger here. P. Amato stated if there is a culvert on your property, that is not functioning properly, it is the owner's responsibility to make sure that pipe functions. B. Legere said it is the city's culvert and he has not seen that it is not functioning, it is flowing through, it is the city's culvert and if the city is dumping water on my property there should be an easement for it, which he has not seen. He has not seen the culvert fail.

D. Knott stated there are a lot of unknowns here. B. Legere said this discussion is spiraling out of control, he needs his attorney here; he thought he was doing something good for the town. D. Knott understands they are making the property better, please stop repeating that; the town is trying to work with you by looking at the parking. L. Daley said he wants the town to work with the applicants collaboratively to work on the drainage on Elm Street and the ponding. A little more research on that pipe needs to be done; this is not to do an elaborate drainage design on this. T. Finan understands what Lincoln is saying and it has been said three times, but it sounds like the applicant does not want to work with the town on a collaborative effort. D. Knott asked that S. Robinson be given a chance to speak. S. Robinson would like to see staff sit down with the applicants to work together to resolve this issue. T. Finan suggested it sounds like the applicant is not willing to do that, he just said he is going to get a lawyer. B. Legere said he has been dealing with this for 16 months now and he has been encountering a loss for 14 months now; six months in he received the zoning variances and just now we are getting

comments back. B. Legere said he has to rent this property, he has mortgages and investors and he needs to get this rented. D. Knott stated quite firmly, that B. Legere needs to decide what he wants to do, the Planning Board is trying to help with a solution to get to a conditional approval. B. Legere wants to get a decision, but Ben said he cannot guarantee that he is coming back here. D. Knott said if Ben wants the Board to get resolution, he needs to stop, just let the Board think this through to get to a decision. The town is trying to work with the applicants on this.

S. Smith pointed out that staff comment number 1 has not been addressed regarding emergency response. It was asked if the applicant received the staff comments, to which Ben, said he did not. D. Knott read the comment into the record; the corner (middle) units front door location asking if it could be re-aligned in order for a stretcher to gain access. L. Daley translated that the gurney is a certain width and the hallway at that point is a little too narrow to allow a gurney to pass, this is not a building code, this is a request. D. Knott suggested the applicant should have access to that request. B. Legere said that unit cannot be modified to accommodate that. P. Amato indicated that has been that way for 50 years. Damon Amato, applicant, used to be an EMT and the front part of a gurney can fold down for access. D. Amato would like to get to a conditional approval and he does not see too much of an issue, we are in agreement for the parking spaces and handicapped space; Damon understands the town wanting to collaborate, but he would like more definition on what the town wants.

P. Amato said if the town wants closure on the drainage, this meeting would need to be continued again. B. Legere does not mind working with the town, but to require the stormwater management, we did not disturb in excess of the requirement in order to not trigger that requirement. B. Legere said each time he has met with the Board he's walked away needing to do more; he does not want to drag this out another six months. L. Daley said the pipe discussion is a separate issue than this application; the ponding (puddle) issue is a part but it is not a heavy lift, regrading, and a pipe or catch basin might be all that is needed. B. Legere said that is drainage; D. Knott said he said that drainage is not part of this application – did you hear that? Ben Legere heard it differently. L. Daley said the drainage pipe raised in the DPW letter is a separate issue, it may or may not be the town's responsibility, it might require an easement to replace the pipe. The front part of the site with ponding, is the piece that should be worked on with both DPW and the applicant to correct. D. Knott stated the Planning Board should not include the drainage (the pipe) as part of any conditional approval. Ben Legere said he is okay with fixing the driveway.

S. Robinson asked if all other comments have been addressed? J. Langdell said we need to talk about the four waivers requested; it can be opened to the public now. D. Knott opened the meeting to the public, asking that they please state your name and address. There are no people wishing to speak. D. Knott closed the public meeting.

Janet suggested addressing waivers 3 and 4 first, the reason being she does not want to talk about parking first, she would like to get something accomplished. L. Daley asked that the justification for the waivers be stated for the record. P. Amato noted that the applicant mentioned possibly putting up a fence to screen the single-family home from this multi-family use, that should be considered since the two properties are very close. B. Legere responded that because of the easement, he cannot put up a fence since that would cut off the other owner's ability to access the easement that benefits both property owners. L. Daley noted that it is a reciprocal easement, meaning neither party can place anything on that easement. P. Amato asked if there could be plantings placed there? L. Daley said there cannot be, the easement needs to be un-impeded to provide both properties access to the back part of the property for that dumpster use. D. Knott said that waiver is pretty low hanging fruit and cut and dry. P. Amato said usually when a waiver is requested the applicant provides a reason for the waiver. J. Langdell said that in the packet there was a letter dated 12/19/22 from Downeast Residential addressing all of the waiver requests. J. Langdell said it was page 19 of the packet.

Waiver request 4 is for landscaping along the periphery of the property. J. Langdell appreciates that the applicant has added the baby tall spruce or additional greenery at the front of the lot; there is limited ability to add further greenery here. B. Legere is actually okay with whatever type of flowering pots the conservation commission would like to see.

T. Finan moved to approve waiver requests 3 and 4 as listed on the January 12, 2023 memo from the Town, page 1. J. Langdell seconded the motion. P. Amato in favor; J. Langdell in favor, T. Finan in favor; E. Cohen in favor; S. Robinson in favor; S. Smith in favor; D. Knott in favor. Motion passed for waivers 3 and 4.

Waiver 1 to allow one space per unit where two spaces are required. J. Langdell suggested the discussions got to 1.25 spaces per unit with one handicapped for a total of 15. L. Daley said there was testimony from the audience that with other property management situations the one car per unit does work with enforcement that is controlled in the lease. S. Smith suggested having the parking spaces numbered. J. Langdell agreed with that. P. Amato indicated that the applicant must modify the waiver. L. Daley said that tonight's discussion and the analysis discussed tonight, so the intent of the waiver request has not changed. T. Finan the waiver is still a waiver. J. Langdell moved to approve the waiver request number 1 as listed on page 1 of 1 to 1.25 spaces per unit including with one handicapped space. S. Robinson seconded. S. Smith in favor; S. Robinson in favor, E. Cohen in favor; T. Finan in favor, J. Langdell in favor; P. Amato in favor; D. Knott in favor. Motion passed to approve waiver 1.

Waiver 2 to allow for the reduction of the existing parking space size. D. Knott does not believe this was discussed tonight. T. Dolan said that staff recommends that the existing dimensions be as is. B. Legere had the waiver to have the width be consistent at 8 feet across except the handicapped space. B. Legere said he can make the length consistent with the longest space in the lot today which would be 8 x 16'. J. Langdell asked if the waiver request form is completed and signed that this information is spelled out? B. Legere wrote reduction of the 9' width to 8' width. L. Daley indicated sometimes the staff provided a narrative in regards to that. D. Knott said he just wants to make sure the dimensions are reflected on the plan. B. Legere said he can change the plan to the conditions set and approved for parking dimensions excluding the handicapped space. T. Finan moved to approve Waiver request number 2 to allow for reduction of parking space dimensions from 9' to 8' and 16' in length, excluding the ADA space. P. Amato seconded. P. Amato in favor; J. Langdell in favor; T. Finan in favor; E. Cohen in favor; S. Robinson in favor; S. Smith in favor; D. Knott in favor. Motion passed. J. Langdell would like to see the plan amended to include the cases and dates of the Zoning Board cases that were granted to be included in Note 12 on the plan. J. Langdell asked if staff has had opportunity to speak with the applicants in regards to work force housing. L. Daley indicated that staff has not gone into detail with the applicants on that, it is still outstanding.

B. Legere indicated that he can update the plan with the anticipated requirements of Work Force Housing, if they require two bedrooms, this would be only if required by the State of NH. J. Langdell said there was never a question on needing more space to be workforce housing; the question was about rent and that will be left to staff to collaborate with the applicants.

T. Dolan read the conditions into the record: 1) conversion of building into a 12-unit multi-family building with studio apartments, this may require additional life and safety measures; 2) revise the listed notes to be sequential. J. Langdell asked if any of these have been done? There has been so much discussion, the Planning Board has not gone through with staff if any of the changes have already been done. P. Amato noted it is fine as long as the condition has been done by the time we sign the plan. L. Daley said item 3 was addressed tonight, as the parking discussion (waivers and parking); item 4 is the removal of impervious pavement between the two parcels; Items 4 and 5 is that staff will work with the applicants on the grading and drainage on the property specifically the ponding; item 6 screening detail around the dumpster. J. Langdell said the applicant did say they would work with staff on the placement of trees. J. Langdell moved to approve with the 9 conditions as listed. T. Finan seconded. S. Smith in favor; S. Robinson in favor; E. Cohen in favor; P. Amato in favor, T. Finan in favor; J. Langdell in favor; D. Knott in favor. Motion passed. B. Legere thanked the Board for their work.

- b. Application for Minor Site Plan Amendment SP2022-10, Souhegan Valley Boys & Girls Club Inc. for the property located at 56 Mont Vernon St. located at Tax Map 21, Lot 23. Public Hearing for the proposed use of the existing 22-foot wide Trail Right of Way Easement, for vehicular access. Applicant request for postponement received via email.**

Janet Langdell noted that Paul Amato has recused himself from this case. P. Amato agreed that he is recusing himself from this application. J. Langdell moved to postpone this application to the February 21, 2023 Planning Board meeting as requested. Elaine Cohen seconded. T. Finan in favor; E. Cohen in favor; S. Robinson in favor; J. Langdell in favor; S. Smith in favor; D. Knott in favor. Motion passed.

3. Work Session:

- 4. Other Business:** L. Daley mentioned there are two items that have been mentioned on GTM, the Board of Selectmen was presented with the renditions of Downtown Improvements and expressed interest in working with consultants for a workshop to review the current designs. There is a plan to have a Stakeholder meeting on February 9, this is a larger stakeholder meeting including business owners and interested parties; L. Daley wonders if this Board would like to have a separate work session with VHB prior to the larger stakeholders meeting? J. Langdell asked why it would be held two days before deliberative? That is asking a lot of people. J. Langdell suggested at the first meeting February 7 that VHB come in to talk to the Planning Board in advance of the bigger public outreach meeting February 9.

L. Daley said they have received about 15 interested parties that are interested in the Master Plan Steering Committee; he would like to have those people get acquainted and set a schedule to get that committee up and running. All agreed the Steering Committee could be brought in to the next Planning Board Work Session Tuesday February 7. February 9 would be the Stakeholders meeting for the Downtown Improvements, L. Daley apologized for two meetings in one week. J. Langdell said this is a good time to get the information out to the community, even at Deliberative Session there could be information distributed. L. Daley announced that he has been chosen as the new Town Administrator and when he transitions to his new position, Terrey Dolan has been selected to take the position of Community Development Director

5. Meeting Minutes:

Janet Langdell moved to approve the December 6 and 20, 2022 meeting minutes as presented. T. Finan seconded. A roll call vote was taken: T. Finan yes; P. Amato yes; S. Smith; yes; J. Langdell yes; S. Robinson yes; E. Cohen yes; D. Knott yes. The motion passed unanimously.

6. Upcoming Meetings:

2/7/23 – Planning Board Work Session / meet with VHB
2/9/23 – Downtown Improvement Stake holders meeting
2/21/23- Planning Board Meeting

- 7. Adjournment.** The meeting was adjourned at 8:41 p.m. on a motion made by T. Finan and seconded by P. Amato. A roll call vote was taken: T. Finan yes; P. Amato yes; P. Basiliere yes; J. Langdell yes; S. Robinson yes; S. Smith yes; E. Cohen yes; D. Knott yes. The motion passed unanimously.

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Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

The Planning Board minutes of 01-17-23 were approved 2-21-2023