

MILFORD PLANNING BOARD MINUTES ~ APPROVED
OCTOBER 18, 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

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 one Planning Board application continued from 9/20/22 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 9/20/22 PB Meeting.**

D. Knott indicated this is an application continued from the September 20, 2022 meeting. Katie Weiss is representing the applicants and briefly reviewed the comments in the staff report noting there is a fire hydrant 100' from the building on the property. A waiver request was submitted asking for a waiver from the 12' from the adjacent property and a waiver from the West Elm Overlay District requirements. A notice that the applicant will purchase the adjacent parcel came to Katie today at 4:30 pm and was forwarded to Camille Pattison for her records. C. Pattison pointed out the number 6 comment from the Milford Fire Department requiring a hydrant within 100' of the building and the access easement for fire trucks which should be 20' wide. Katie indicated that the hydrant is identified on the plan and is on the owner's property, the permanent easement will be 20' wide for fire trucks. K. Weiss presented the architectural plan rendering noting that awnings will be above both doors but are not shown on this plan, but she would like to know the thoughts of members. The windows will also have a wider frame trim around them, also not shown on this plan.

P. Amato asked how this architectural rendition meets the West Elm Overlay District? K. Weiss said there are two roof lines and two different sidings used for architectural interest and details were also added. E. Cohen asked what will the building be made of? K. Weiss answered it will be a metal building with a metal roof; there will be gutters because that is part of the drainage plan. J. Langdell asked if there is actually a second floor? K. Weiss said there is. P. Basiliere asked about landscaping. K. Weiss said the front will have mostly cars with the landscaping along the site. S. Robinson asked if trees and shrubs will be used? K. Weiss answered yes both will be used. D. Knott said the applicant is asking for a waiver from some of the landscaping requirements but not all. There is already some landscaping on the site but the applicant is asking for relief from some of the requirements. S. Robinson asked about the landscaping in the front along the highway, that is on DOT property, but who will take care of it? K. Weiss said this business owner will take care of it. The landscaping in the Right of Way (ROW) will be maintained by this business. The landscaping waiver is for the East and North sides of the property. D. Knott said for the Dollar General application, the Planning Board asked them to do more landscaping.

P. Amato said this applicant has done some additional items to reflect the West End Overlay District; this is a garage so some of the items in the West Elm Overlay District cannot be done on this type of site. P. Amato would rather see this type of building 145' away from the road than up near the road. S. Robinson said the only item we could still ask for with what is shown, is to have the roof peaked a little more. D. Knott said this is in the West Elm Overlay District for which they are asking for a lot of waivers and this is a new building. J. Langdell said if this was a stick structure, she would ask for some different features.

Robert Baskerville, Bedford Design Consultants, said he has seen additional features done above garage doors that he could look at, to soften the garage doors a bit more. Jerry Johnson, applicant, said that Sooner Transportation has no issues with changing the service doors to soften them, he would be okay as long as the vehicles fit into the shop, the metal can be fabricated differently for the doors. S. Smith asked how tall are the service doors? Jerry responded they are 14' high.

D. Knott asked what will be provided in order to meet the West End Overlay (WEO) district requirements? P. Amato said they have added the different siding elements and roof pitches, and can only do so much, it is still a metal building. D. Knott stated the Planning Board pushed for the West End Overlay District to be met with other businesses in that part of town, we cannot design the building, but the applicant is asking for a lot of waivers; changing the garage doors is a good step. T. Finan said it is a trade off to have the building in a certain area with the architectural features being asked for. J. Langdell asked if there is a weathervane on the existing building? That might be a nice feature for that district; to have a cupola with a weathervane on the roof. Bob Baskerville asked if that could be placed on the higher roof? J. Langdell answered it could be. K. Weiss asked what is the height limit is in the district. C. Pattison responded it is a 40' height limit for the structure, not including a cupola. T. Finan noted a recent application did include the cupola for its height, we want to check that.

Jerry Johnson would like to have glass doors on the garages, would that be allowed? P. Amato said yes with a very good grade of glass. J. Johnson wants it to allow people to see the work being done because it looks classier. J. Johnson indicated the owner of the adjacent lot is willing to sell the lot to Jerry or to lease it. K. Weiss received that response just before tonight's meeting and sent it to C. Pattison. K. Weiss added that if the adjacent lot is purchased, the two lots will not be merged at this time. J. Johnson added that the biggest hurdle to be helped with the purchase of the adjacent lot is the Fire Lane and fire requirements for passage. The adjacent

lot owner is willing to sell or lease it to Jerry, so that current business will stop when construction for Sooner begins. P. Amato stated the Fire Department wants a Fire Lane, whether or not it goes into that adjacent lot. K. Weiss would like to continue with the existing plan.

P. Amato said with that new piece of information (possible sale or lease of the adjacent lot) that was just shared with the Planning Board, the plan could require modification. K. Weiss explained that the current plan could continue with the lease of the adjacent lot. P. Basiliere noted there are two separate lots, but you still need to stay in accordance with setbacks, which does not allow cars to be stored in the setback; he is concerned with setting a precedent with this. J. Langdell said they want approval for this use, but want to spill onto the adjacent lot, but it would be great if the two lots were merged if owned by the same owner. Bob Baskerville said this has come up very quickly, he would like to talk to the Planning Board about the different options being considered. B. Baskerville reviewed the different scenarios and options. J. Langdell indicated the Board understands that context needs to be given in planning. B. Baskerville stated that no precedent is being set with this, this is a new use on an existing lot, and this is a really old existing building.

P. Amato asked specifically what will be the use on this parcel, it seems there are more than one use being proposed? J. Johnson explained the primary use would be to sell used cars; there is also a mobile car service that will be run out of this site; he is also trying to get a contract to service 6-8 Amazon fleets. Once the corporate office in Bedford releases the contract, he will be providing service to 60-70 Amazon vehicles in Milford. There are three business that will operate out of this location: 1-used car dealership (Horseless Carriage); 2-intermittently service Amazon fleet vehicles; 3-mobile car service (mobile tires and oil changes by Pittcrew). S. Smith asked if Amazon vehicles will be stored on this site? J. Johnson answered no, they will continue to be stored in Nashua but receive service there.

P. Basiliere indicated the best situation would be to merge the two lots. P. Amato asked if this might be easier for the applicant if the two lots were merged? Bob Baskerville responded that in order to close on the sale of the lot being purchased, there would need to be an approval on this application. L. Daley said the abutting lot would be affected, as the easement will affect that lot in a negative way. K. Weiss also noted there is a swale on the abutting site which is technically a wetland. L. Daley said there has not been any activity on that lot yet. C. Pattison indicated, that L. Daley may have missed that portion of tonight's meeting, that the applicant is going forward to purchase the adjacent property. P. Amato understands why they would like a decision on the application and right now interest rates are going up. J. Langdell wants to finish the discussion, she has concerns about the Fire Department fire lane. Also, J. Langdell asked if there are any other hydrants located on private property in town? L. Daley could not confirm nor deny that, so at this point, if the hydrant is located on private property, he indicated it would be maintained by the property owner. P. Amato asked about the East Ridge apartments, do they have hydrants on private property? If there are rules that have changed, he would like to know if there is a change in the Fire Department requests or is there a difference in interpretation of the Fire Code? C. Pattison recommended there being a discussion between the Fire Department and K. Weiss on the Fire Department requirements to clear that all up. J. Langdell questions who will maintain the hydrant? B. Baskerville said the property owner would maintain it.

J. Johnson previously worked at a paper mill in another state and they had fires everywhere, and the owner of the property maintained the hydrants. J. Langdell just wants to check with the Fire Department to understand that process. P. Amato said the owner just has to keep up

with the inspection schedule. The most recent comments from the Fire Department indicate there needs to be 20' of clearance for the fire trucks. C. Pattison asked if a hammerhead or tomahawk turnaround has been looked at on the adjacent property? That is what needs to be discussed with the Fire Department; to make sure they are in agreement with that. J. Langdell said once the adjacent property is under contract, the applicant should come back to the Planning Board to get all these details worked out.

P. Amato agreed the applicant needs to come back with the additional information discussed. E. Cohen noted they are looking for a conditional approval tonight. C. Pattison indicated it is not ready, the applicant needs to request an extension of the application since we are at the point of 90 days and that extension will give them time to get what is needed from the Fire Department. Some of the comments that were raised tonight could get addressed at the next meeting.

B. Baskerville indicated the applicant wants to know if they are near the end of this process? C. Pattison said that can be worked out with Milford Fire and all the details could be worked out. J. Langdell said the Board wants to find a way to make this work. P. Amato added that we are moving forward at each meeting. Seeing no further comments or questions from the Board, D. Knott opened the hearing to the public, requesting that speakers state their name and address for the record. There were no comments or questions, therefore D. Knott closed the public portion of the meeting.

C. Pattison stated the applicant needs to request a continuance at this time so they may come back with further information, followed up with a written request for same. K. Weiss requested a continuance of this application. E. Cohen moved to continue this application to the November 15, 2022 meeting. P. Basiliere seconded. 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.

A request was received from the applicant on October 11, 2022 to continue this application to November 15, 2022. P. Amato moved to continue this application to the November 15, 2022 Planning Board meeting. J. Langdell seconded. All were in favor. Motion passed.

3. Other Business:

- a. **CIP Draft.** P. Basiliere presented the Draft CIP which will be finalized in the next couple of weeks and presented to the Planning Board for approval. He asked that members review and provide any comments to him. P. Basiliere thanked L. Daley for all his work and assistance in this process, pointing out this is a very labor-intensive document. There are five projects identified for 2023: 1-WWTF upgrade; 2-Library restroom additions; 3-Fire Department Engine 1 replacement; 4-Water Utilities improvements; 5-Ambulance replacement.

Janet Langdell asked if the WWTF upgrade is part of the MS-4 requirements? P. Basiliere responded if the MS-4 requirements are not met, there is a significant fine that will be put on the town, but that is for stormwater. L. Daley clarified there are also elements at the Water Utilities that are at the end of their life, so this is a combination of replacement of parts due to end of life of those parts and also to meet water quality requirements. P. Amato also noted there are ARPA funds being applied to the WWTF project. L. Daley agreed and stated the BOS and Water Commissioners are working on a grant and loan forgiveness to bring down the cost of upgrades. T. Finan asked if it is assumed that 50% will be taxed to water users and 50% to residents of Milford? P. Basiliere said that is correct but that determination has yet to be made.

P. Amato said the water users will ask why their water rates just went up and now with this coming forward, they will go up again. L. Daley said that the recent rate increase was based on the Water Commissioners' decision. The additional project costs will be borne by the rate payers; L. Daley understands that the water rates have been lower as compared to other communities in the area and they were brought up recently to be more in line. P. Basiliere indicated the Water Commissioners review user rates every three years. The number of buildings the town has that are handled through that operation are numerous. P. Amato indicated the rates for capital projects will go up about 25% soon. J. Langdell said if there were a delay in the town approval process, could we be at risk of losing those funds? P. Basiliere has not asked that question. L. Daley said the 2% administration fee is part of the \$24 million cost, it is not in addition. S. Smith raised the issue of the rate payers getting increased already and this now coming down the line; there should be information regarding this posted on social media to let people know this is coming.

S. Smith brought up the school costs coming down the line; she attended the recent ATC proposed improvements meeting. The School District is focused on the ATC improvements because of the State aid available to the Town. P. Basiliere added that the school district is not planning on having anything on the ballot in 2023 because they are staying focused on the ATC improvements for 2025.

b. **Energy Advisory Committee** – C. Pattison noted that the town is putting together an Energy Advisory Committee for a two-year term for which they would like one or two Planning Board members to be a part of.

c. **Town Planner** – L. Daley shared that a new town Planner has been hired, the start date will be mid to late November 2022.

4. Meeting Minutes:

T. Finan moved to approve the minutes of September 6, 2022 as presented. P. Amato seconded. All were in favor. Motion passed.

5. Upcoming Meetings:

11/1/22 – Planning Board Work Session (Master Plan)
11/15/22 – Planning Board Public Meeting

6. **Adjournment.** The meeting was adjourned at 8:30 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: _____

257

258

The Planning Board minutes of 10-18-22 were approved 12-20-22

APPROVED