

MILFORD PLANNING BOARD MINUTES ~ APPROVED
APRIL 19, 2022 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Selectmen's Rep
Pete Basiliere, Member
Elaine Cohen, Member
Paul Amato, Member

Staff:

Lincoln Daley, Comm. Dev. Director
Darlene Bouffard, Recording Secretary

Members Absent:

Janet Langdell, Vice Chairman
Susan Robinson, Member

This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to Executive Order 2020-04. As such, the meeting was conducted in person and on 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 three Planning Board applications. D. Knott stated that E. Cohen is now a full Planning Board member. Planning Board members and staff were introduced by D. Knott.

2. **Public Hearing:**

- a) **Case SD 2022-02 Charles and Bonnie Vanetti (owners), Tax Map 31, Lots 26 and 26-1, 44 and 48 Riverview Street.** Public hearing for a Lot Line Adjustment application to modify the property lines between the subject properties within the Residence "A" zoning district.

D. Knott read the application information. P. Amato moved to accept the application for review. E. Cohen seconded. All were in favor. Motion passed. P. Basiliere moved no potential regional impact. T. Finan seconded. All were in favor. Motion passed. The abutters list was read by D. Bouffard, there were no abutters present.

Bonnie Vanetti and Charles Vanetti were present and explained the application, noting that the application is to incorporate (Linden Street Extension) into the property right down to the river, which they have been using as their driveway for a very long time, and was never developed as a road. When #48 Riverview Street was established, that house was behind their property. A survey was done and they would like to adjust the two properties into one. The Registry of Deeds does not have anything ever recorded for the Linden Street Extension, which was proposed to the Selectmen but was abandoned and the Vanetti's have been using that as a driveway for quite some time, the other lot also has a house on it. P. Amato asked if there are two houses on one lot; to which B. Vanetti explained there are two lots, #44 and #48 Riverview.

L. Daley said there are two lots, the first lot is a smaller lot and the other one is larger – the Vanetti's want to eliminate the lot line and adjust the two lots right up the middle. This has been a very long process, the Vanetti's have been very patient. L. Daley is recommending that the Planning Board include the red line on the plans provided tonight to show the previous property line which would be removed. L. Daley indicated this is actually a minor adjustment to the plan to show the previous lot line. T. Finan asked if the driveway is on Riverview St.? B. Vanetti responded that the entrance to the driveway is on Riverview Street. L. Daley said there is an existing driveway easement that the two properties share right now, he asked if they would need to change that to reflect the LLA? B. Vanetti did not know the answer, but noted that both properties will still need the easement and both properties can use the easement, neither property owns 100% of the driveway. James Vanetti, son of the applicants, said the easement will stay in effect because the beginning of the driveway is on his property but they still need that easement to get to their property, there is no change to that easement.

L. Daley asked if that easement specifies meets & bounds. James Vanetti said it does not, but it does state that #44 and #48 Riverview both have the right to the access on the easement for the driveway.

T. Finan asked about the sewer line, is there an easement for that? Charles Vanetti said yes there is, it went all the way to the river and to Lorden Lumber. In the 1980's the main sewer line was put in and goes to the Sewer plant. T. Finan asked if the wording for that easement needs to change? C. Vanetti said that is a town easement for that line. L. Daley said the access easement starts on Linden Street and allows the town to access that utility on the back half of the property. P. Amato said the part behind #44 did not have a sewer easement; B. Vanetti said there was also an easement along the River. L. Daley indicated part of the approval will include the easement for that sewer line. P. Amato said the deed for #44 will need to show that easement. L. Daley agreed that will be part of the approval. P. Amato said the sewer easement was on #48 and now it will be on #44 so that needs to be shown on the easement.

Seeing no other Board discussion, D. Knott opened the meeting to the public; there were no comments or questions from the public. D. Knott closed the public meeting. P. Amato moved to grant conditional approval for the Lot Line Adjustment with the change of the property boundary and easement document changes. T. Finan seconded. All were in favor. Motion passed.

- b) **Case SP2022-02 Regent Square Properties and Matthew Berry (owners/applicant), Tax Map 25 Lot 159, 20 South Street.** Public hearing for a Minor Site Plan review application concerning the conversion of commercial space into a pop-up/test kitchen and tattoo parlor within the Commercial "C" zoning district and Oval Subdistrict.

D. Knott read the application information. P. Amato moved to accept the application for review. E. Cohen seconded. All were in favor. Motion passed. T. Finan moved no potential regional impact. P. Basiliere seconded. All were in favor. Motion passed. The abutters list was read by D. Bouffard, there were no abutters present.

Lauren Foster and Matt Berry, applicants, explained the application for a pop-up restaurant at 20 South Street, which will use the space above Amigos, mostly for storing supplies and for use for food photography for social media and also having private tastings. There is a separate space on the second floor for a tattoo parlor (Wicked Ways). D. Knott asked about staff and deliveries (parking). M. Berry said we mostly work with farmers and he brings in food himself. The hours of operation are by appointment only for the private tastings. The pop-up restaurant concept has been working for about two years. D. Knott asked how many people will attend the private tastings? M. Berry responded it could be from 2 to 18 people. L. Foster said it is usually for about 6 people at about 6 p.m. until about 8 p.m., 9 p.m. at the latest. The tastings are done 2-3 times per month.

D. Knott asked about a dumpster? M. Berry said they have an agreement with Amigos to use their dumpster. L. Daley asked how does the tattoo work together with the pop-up restaurant, or do they? M. Berry said the only part that shares anything in the space, is the bathroom, but the tattoo business is completely separate from the pop-up restaurant. L. Daley asked how will people (customers) access both businesses? M. Berry explained this space is directly above Amigos, the entrance on the sidewalk is for the other offices (attorneys) located in the space and Amigos, the pop-up restaurant (Dahlia's) does not use those entrances. M. Berry said there is a lane between Amigos and Union Coffee and there is access back there for this business.

D. Knott asked the hours for the Tattoo business? M. Berry said they are by appointment only, there will be a sign by the back door where it leads into their business. L. Foster said when entering the property, the door/stairs enters right into the Tattoo business and if you go up the next stairway, then go left, it goes into the pop-up restaurant through that door. They will use the entire second floor except for the two law offices. The photography is set up in the back with special lighting, etc. P. Amato asked if food is prepared off site? M. Berry said it is, usually at Culture on Nashua Street. The food is then re-heated for this operation. P. Amato asked if the Health Department is okay with that, preparing food in one location and serving it in another location? L. Daley said this has all been vetted with Town staff. L. Daley said at one point, the applicants talked about expanding the kitchen, will that be done in the future? M. Berry said for this space, it will just be the pop-up concept which will work best. L. Daley asked if there will be way-finding signs so people can find the business from the street? That driveway is active and the town wants to avoid any conflict of vehicles with pedestrians. M. Berry said they would be adding signage.

D. Knott asked why the access cannot be from the front? When people are walking across a vehicular access and also having deliveries at the same access, it can be problematic. L. Foster said when people are coming for private tastings, they cannot go in the front entrance. P. Amato asked if there are two bathrooms on the second floor? M. Berry said there is a bathroom that is shared with Dahlia's and the Tattoo business and another bathroom for the lawyer suite. P. Basiliere asked about the number of people attending the private tastings? M. Berry said the maximum in attendance for a private tasting would be 18 people.

L. Foster said the space would allow for 40 people, but we do not have enough plates, etc. for that many. P. Basiliere said parking is always a concern on the oval and this potentially could add 18-20 people; he asked what is the plan for parking for staff and guests? M. Berry responded it is usually two employees (Matt and Lauren) and one other person. The staff and guests will be told to park on the oval. M. Berry noted that 18 guests is not the norm, it is mostly 2-4 people at a tasting, two or three times per month. We usually have the pop-up on a Sunday or Monday after work and so far there not been any parking issue. L. Daley said the town can work with the owner of the business to utilize off-street parking.

Seeing no further questions or comments from the Board, D. Knott opened the meeting to the public, asking people to state their name and address and those that are abutters, may speak first. There were no people that asked questions in person or on zoom. D. Knott closed the public hearing.

P. Amato moved to approve this minor site plan within the Commercial Zone. E. Cohen seconded for discussion, commenting that there was a staff comment about grease traps. L. Daley said that is handled at the Building Permit level. All were in favor of the motion. Motion passed.

c) Case SD2022-03 Kincaid Realty Trust and Meridian Land Services, Inc. (owners/applicant), Tax Map 43 Lot 16, 323 South Street. Public Hearing for a Minor Subdivision application to subdivide the subject property into two total lots within the Commercial "C" zoning district.

D. Knott read the application information. P. Amato moved to accept the application for review. T. Finan seconded. All were in favor. Motion passed. P. Basiliere moved no potential regional impact for the application. E. Cohen seconded. All were in favor. Motion passed. The abutters list was read by D. Bouffard, there were no abutters present.

Sam Ingram, Meridian Land Services, presented the application to subdivide the current land into two parcels. One of the lots has the existing Auto Repair shop on it; these lots are served by Town Water and Sewer is available for the new lot. The existing lot has a private sewer line and town water line. S. Ingram noted the one issue with this project is that a very old water line runs through the woods down to the existing DPW property, but nobody knows exactly where it is, but water goes through it. That would be addressed and there will be an upgraded water line along South Street to address it. P. Amato asked if there will be one street closed for the water line installation? S. Ingram responded there may be two lines installed. D. Knott asked whether the new lot will be developed? S. Ingram answered there is currently no plan for development.

P. Amato asked how much of that land is usable? S. Ingram is not sure how much of it can be developed because of the upland area, there is not as much developable area as the body shop has. D. Knott asked what is the intent for the subdivision? S. Ingram said there is no proposed development of the new lot at this time. L. Daley said the corner of the new and current lots should have monumentation added to the plan so that it gets done. S. Ingram said they have already set the corners of the existing lot, but we have never set the monumentation for any missing corners of an existing lot. P. Amato said we are not asking for the southerly monuments on the existing lot. L. Daley is requesting that any missing monumentation be set with the subdivision, it is always good to have the monuments, especially if a lot is going to be sold. It would require 8 points to be set, there is a jog in one of the lot lines. P. Amato asked why there is a jog on that line? S. Ingram was not sure, but believes it was part of the DOT property line. P. Amato states that if the pins were not set along the jog, no one would ever know there is a jog in the line.

Seeing no further comments or questions from the Board, D. Knott opened the hearing to the public, asking that abutters be able to speak first and state your name and address for the record. Seeing there were no questions or comments from the public, D. Knott closed the public portion of the hearing.

S. Ingram said the monuments along the back of the lot will likely fall over time, so they should be points on a line (since the area is so wet). Instead of actual pins, it would be along dry land in order to calculate along the back of the property because it is so wet. We will set in the most reasonable (dry) place for the corners.

P. Amato moved to approve the application, with the monumentations to be done for both parcels, all corners, to be set as discussed. P. Basiliere seconded. All were in favor. Motion passed.

3. Other Business:

L. Daley said that he will pull out the Site plan for Milford Family Dental if Board members would like, regarding the air conditioning units being put on the Elm Street side of the building, which may not be consistent with the approved Site plan. L. Daley has visited the site and spoken to the Building Inspector and it was found the a/c units were installed as approved, but there were some mini splits that were designed in the field to ventilate and circulate the air in the building. Staff is going to speak to the contractor on that. There is significant landscaping on the site and the thought is to mitigate the condenser (for the mini split) with landscaping. D. Knott said the taller plantings will hide the building and he is concerned with this being a field change. L. Daley said the contractors did not feel it was a change to the site plan.

P. Basiliere asked who made the change? L. Daley responded a building contractor might have made the change in the field but he does not see it as being a big issue if they block the condenser with landscaping. P. Amato expected the building to look different than it has come out. L. Daley commented it does look like the rendering presented. The concern of D. Knott is if this was a change that was not approved. P. Amato feels it is an accommodation that could have come back to the Planning Board. L. Daley indicated this site is part of the Nashua/Elm Street Overlay District. D. Knott asked if this change should have come back to the Board? L. Daley responded in the future if it is a change to what was approved, yes this could go back to the Board. D. Knott indicated we keep talking about this corridor and we should not be mitigating this, we shouldn't gloss over the developer making changes. P. Amato said we could let L. Daley talk with the contractor and see what they can do about the visual impact. D. Knott agreed but said the applicant needs to know that it is not okay to make these changes in the field but the town will work with them. L. Daley said they cannot move the mini splits, they are going to stay there, they actually feeds the basement as part of the designed build for that basement. P. Basiliere said there are four walls in that basement, why couldn't they have put them elsewhere such as the back wall. L. Daley will explore that.

P. Basiliere also said the sign out front also draws the eye to that area of the condensers. D. Knott asked if we can take a look and talk to them about if they can be moved? E. Cohen suggested maybe an architectural screening could be added. D. Knott said the landscaping is not complete yet but landscaping to cover a condenser can easily become overgrown. L. Daley said the builder is very creative and maybe can provide ideas for a feature to help it blend in. D. Knott said it is in the overlay district and this could be an opportunity to see how it can be fixed. P. Amato said in this case we talked to the applicant about the Overlay District, at the meetings and it's not like the property was sold. L. Daley responded in the future the elements like this could come back to the Planning Board if it is a change to the site plan if that is felt to be necessary. If we want to take the overlays of the town serious, D. Knott said we should stick to what we have in those regulations.

P. Basiliere asked if the Master Plan will be brought to the May 3 Work Session for discussion? Planning Board should begin that process. D. Knott said we might need more help with the Master Plan since we have not set up a plan yet. D. Knott said the level of change we are looking at is significant. We will need to reach out to NRPC for assistance. L. Daley said NRPC could help frame a discussion to allow another point of view and approach. P. Basiliere suggested Work Sessions between May and this fall should have time dedicated to the Master Plan. First, P. Amato said the Planning Board needs to decide if the Planning Board will do it all, or staff will do, or with Community Involvement- we need to decide as a Board what we want to do. NRPC can help us to get that framework set up.

L. Daley stated if staff will be required to lead the Master Plan effort, that is all staff can do. P. Amato does not want to expend a lot of time and not have the Master Plan better in the end than it is right now. E. Cohen asked if anyone has looked at the Exeter Master Plan, if not, you should. P. Amato said the Master Plan is a large effort. D. Knott said it will probably be done by staff, community input and a consultant. L. Daley wants the Board to understand the Master Plan will not get done in 2022; we are looking at a two to two and a half year effort; we need to frame the vision with 2023 focusing on the writing effort. P. Amato said there are different priorities in different chapters, he would rather do it ourselves but understands that it will take time. D. Knott agrees that it will take time. P. Basiliere said we need to start talking about it, to at least get the ball rolling. Everyone should take a look at the current Master Plan from 2017. P. Amato said the Master Plan gets things talked about other than just applications and that is good.

L. Daley indicated the Planning Board bases their policies on the Master Plan, the Board of Selectmen needs to be involved in the process; he is glad T. Finan is a Planning Board representative for the Board of Selectmen and any issues can be brought to them.

4. Meeting Minutes:

T. Finan moved to approve the minutes of April 5, 2022 as presented. E. Cohen seconded. All were in favor. Motion passed.

5. Upcoming Meetings:

5/3/22 –Work Session

5/17/22 – Public Hearing

6. Adjournment.

The meeting was adjourned at 7:47 p.m. on a motion made by T. Finan and seconded by P. Amato. All were in favor. Motion passed unanimously.

Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

The Planning Board minutes of 4-19-22 were approved 5-18-22