

MILFORD PLANNING BOARD MINUTES ~ APPROVED
January 19, 2021 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Paul Amato, Member
Janet Langdell, Member
Pete Basiliere, Member
Susan Robinson, Member

Staff:

Lincoln Daley, Com Dev Director
Darlene Bouffard, Recording Secretary

Excused:

Laura Dudziak, Selectmen's Rep.

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 spread 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: T. Finan was in his office alone; J. Langdell at her home in the room alone; P. Amato was at his home in the room alone; P. Basiliere was at his home in the room alone; S. Robinson was at her home in the room alone; D. Knott was in his office alone. Staff Lincoln Daley was alone in the room and Darlene Bouffard was alone in her room.

1. Call to order:

Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight there five applications to be heard followed by the second public review of the proposed Zoning Amendments. L. Daley asked if one item could be taken out of order tonight? L. Daley indicated that Zachary Clark has requested his application to be taken up at the February 2, 2021 Planning Board meeting, so if there is anyone on this zoom meeting for that application, if the Planning Board concurs, that item will be moved to February 2, 2021. L. Daley explained that the Board needs to make a motion to continue that application to a different date. J. Langdell moved to continue the application for Zachary Clark to the February 2, 2021 Planning Board meeting as requested by the applicant. S. Robinson seconded. A poll was taken: P. Amato yes; P. Basiliere yes; T. Finan yes; S. Robinson yes; J. Langdell yes; D. Knott yes. Therefore the application for Zachary Clark will be heard February 2, 2021, no additional notices will be sent.

2. Public Hearing(s):

a. Leonard Golden and Marilyn Piekarski Trustee (applicants/owners) – Review for acceptance and consideration of final approval for a plan revocation and an amendment to a previously approved lot line adjustment. The parcels are located at 60 Mason Road and 221 Osgood Road in the Residential R zoning district. Tax Map 42, Lots 55 and 50-1.

P. Amato recused himself from this application, since he is an abutter. T. Finan moved to accept the application for review. J. Langdell seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; J. Langdell yes, T. Finan yes, D. Knott yes. Motion passed.

J. Langdell moved no potential regional impact for this application. T. Finan seconded. A poll was taken: S. Robinson yes; T. Finan yes; J. Langdell yes; P. Basiliere yes; D. Knott yes. The abutters were read by D. Knott.

Beth Davis, Attorney and Gerry Prunier, Attorney, will represent the applicant. B. Davis appreciates all that were involved in this property over the years and are here tonight for this meeting. Previously one extra site was not addressed through a lot merger but it must be done with a recorded plan and brings us here tonight. The Golden's had a title search done and it was found that some items which needed to be taken care of were not and that is what is being brought forward tonight, we are trying to get the title in the right place with the right people. J. Langdell asked what is the position of Gerry Prunier with the applicant? G. Prunier stated he is representing the applicant. T. Finan asked if this adjustment brings the land back to its previous configuration? G. Prunier said yes. L. Daley asked G. Prunier to explain what plan it will revert back to. G. Prunier answered Map 42 lot 50-1 without the triangle parcel, on tonight's plan, Parcel A will be added to Map/Lot 42-55. L. Daley's recommendation is to revoke the 12/26/17 plan recorded at the Hillsborough County Registry of Deeds Plan #39732 and record this plan as well. J. Langdell thanked L. Daley for his clarification of the actions being taken. L. Daley suggested that this be supported for revocation and for action on this Lot Line Adjustment be taken. D. Knott opened the public portion of the meeting. L. Daley did not see anyone in the waiting room to speak.

Dave Palance was unable to "raise his hand" but was present in the meeting; he stated he has no comments. D. Knott asked for a motion from the Board.

J. Langdell moved to revoke the 2017 plan as presented. T. Finan seconded. A poll was taken: J. Langdell yes; T. Finan yes; P. Basiliere yes; S. Robinson yes; D. Knott yes. Motion passed with P. Amato recusing himself. J. Langdell move to accept the Lot Line Adjustment with the condition of adding a signature block on the plan. T. Finan seconded. A poll was taken: J. Langdell yes; T. Finan yes; S. Robinson yes; P. Basiliere yes; D. Knott yes. Motion passed with P. Amato recusing himself.

b. Andrea Morais (applicant/owner) – Review for acceptance and consideration of final approval for the conversion of an existing duplex into a two unit condominium. The parcel is located at 37-39 Federal Hill Road in the Residential R zoning district. Tax Map 48, Lot 30.

P. Amato stepped back up to the Board. P. Amato moved to accept the plan for review. P. Basiliere seconded. A poll was taken: P. Amato yes; P. Basiliere yes; T. Finan yes; S. Robinson yes; J. Langdell yes; D. Knott yes. Motion passed.

J. Langdell moved no potential regional impact associated with this application. S. Robinson seconded. A poll was taken: J. Langdell yes; S. Robinson yes; T. Finan yes; P. Basiliere yes; D. Knott yes. Motion passed. L. Daley read abutters list.

John Yule, representing the applicant, presented the plan explaining this is an existing duplex built in 1978 that has been rented out since then. The applicant would like to convert the residence in to two condo units and maybe sell one or both units. There are no changes to the building, it is just a change in ownership. D. Knott asked if the dumpster, as shown on the street side view of the presentation, is always

located there? John Yule responded that it was not there when he was there. L. Daley said the applicant should find out if that is just a temporary dumpster placement or permanent placement; if it is a permanent placement it should be screened, since that is a requirement. J. Yule asked if the plan could have a note that states if the dumpster is permanent it must be screened. L. Daley said the parking should also be within the parking spaces and not in the town Right of Way (ROW), could that parking area be evened out in order to allow for better parking? J. Yule could add to the plan where parking is allowed and where it is not allowed. L. Daley appreciates that, in order to allow enforcement. By evening out that parking area, it would be safer for pedestrians and for cars.

J. Langdell asked if there is a wall on this property? J. Yule said there is. P. Amato asked if the stone wall is in the ROW? L. Daley thinks the stone wall is where the ROW starts and asked if the driveway could be straightened out to make is safer. J. Yule can ask but thinks the applicant will be resistant. L. Daley showed the submitted plan to create the two condos and the parking area angles down and potentially could have cars in the ROW. J. Yule said this same situation is next door, they park the same way. D. Knott indicated the neighbor is not here with an application before the Planning Board.

S. Robinson asked if the parking would be better if the spaces were striped? J. Yule said a visual indicator for parking would help but there are no guarantees. Four parking spaces can be proposed and striped, with cross hatching in the other area to indicate no parking. L. Daley does not think painting and marking parking in a residential area on a scenic road should be considered.

D. Knott asked if this would be a parking violation? L. Daley answered yes it is, one cannot park in the town ROW. D. Knott said that is the result of the configuration of the parking. P. Amato said it looks like the cars can be outside of the ROW; this works as a condo because it does not change the neighborhood, but by striping the parking, that would change the neighborhood. There is enough parking for two units, it is not ideal but it is not a deal breaker. P. Amato asked about the condo documents. L. Daley received the revised documents this evening but he has not reviewed them yet. He can work with the applicant to finalize those, noting that the Assessor commented that a floor plan for the condominiums should be provided as part of the condo docs. J. Yule asked if that is required and if so why? D. Knott said if it is not required, why would the Assessor be stating that it must be provided? L. Daley said it is the Assessor's preference because typically the floor plan is provided with the condo documents. P. Amato asked if any of the floors are changing? J. Yule said not that he is aware of. P. Amato said if they do make any changes, they would need to get a building permit to make the change and the Assessor would find out that way.

Seeing no other comments or questions from the Board, D. Knott opened the public portion of the meeting. L. Daley said he did not see any hands raised to speak. D. Knott closed the public portion of the meeting.

P. Amato moved to conditionally approve the plan subject to the applicant finalizing the condo documents and if the dumpster is permanent that it needs to be screened as is required by town regulations. J. Langdell seconded. A poll was taken: S. Robinson yes; P. Amato yes; J. Langdell yes; T. Finan yes; P. Basiliere yes; D. Knott yes.

c. B33 Lordens Plaza, LLC (owner) and St. Mary's Bank (applicant) – Review for acceptance and consideration of final approval to subdivide a 1.12 acre area from the parent lot to create a lot designated for the bank building. The parcels are located at 586 Nashua Street in the Commercial zoning district. Tax Map 44, Lot 6.

P. Amato moved to accept this application for review. J. Langdell seconded. A poll was taken: P. Amato yes; J. Langdell yes; S. Robinson yes; T. Finan yes; P. Basiliere yes; D. Knott yes. Motion passed.

J. Langdell moved no potential regional impact. P. Amato seconded. A poll was taken: S. Robinson yes; T. Finan yes; J. Langdell yes; P. Amato yes; P. Basiliere yes; D. Knott yes.

- d. **B33 Lordens Plaza, LLC (owner) and St. Mary's Bank (applicant) – Review for acceptance and consideration of final approval for a site plan to renovate the existing bank building on a newly subdivided parcel with an additional bank drive aisle and 182 square foot building expansion. The parcels are located at 586 Nashua Street in the Commercial zoning district. Tax Map 44, Lot 6.**

P. Amato moved to accept this plan for review. P. Basiliere seconded. A poll was taken: P. Amato yes; P. Basiliere yes; T. Finan yes; S. Robinson yes; J. Langdell yes; D. Knott yes. Motion passed.

J. Langdell moved no potential regional impact. T. Finan seconded. A poll was taken; P. Amato yes; J. Langdell yes; P. Basiliere yes; S. Robinson yes; T. Finan yes; D. Knott yes. Motion passed.

P. Basiliere excused himself from this meeting at this point to attend a School Board meeting being held at the same time, 7:20 p.m.

The two applications for St. Mary's Bank (subdivision and site plan) will be heard together this evening. D. MacGuire, representing the applicant explained the applicant is subdividing a portion of the parcel from the Lordens Plaza and renovating the building to accommodate St. Mary's Bank. The plans being discussed were presented, they are looking to have separate ownership of the subdivided parcel. That smaller lot will go down the existing parking lot but the site lay out will be modified in the site plan. The application is proposed to close in the space at the entrance and add another drive through. There will also be an overall reduction in parking. Some of the pavement will be removed as well. The applicant is looking to replace the existing concrete curbing with granite curbing and refurbish the sidewalk. Even though it is a redevelopment of a similar use, it will look very different. D. MacGuire indicated there are some existing trees, one of the trees was overtaking the front of the building and will be removed; and there will be trees added. A couple of existing trees will be kept and landscaping will be spruced up and freshened up. All of the requirements are needed according to the regulations. We are holding on to the pole locations but adding another light fixture near the drive through lanes. The housing on the existing poles will be upgraded with new lighting.

D. Knott asked about traffic flow; his concern is where the snow will be stored. D. MacGuire responded the easements and the shared access addresses those types of items. There is plenty of storage on the site for snow. He thinks both owners will do what makes sense. D. Knott thinks snow storage might be a nightmare, so he wanted to ask. D. Knott indicated that the Burning Bush should be removed, but wants it noted that the species is invasive and there are procedures to remove anything on the invasive species list. D. MacGuire said that was brought up with L. Daley and he can add a note to the landscaping plan. D. Knott saw on the plan that organic pesticides will be used – noting that the owner should be aware of that. P. McHugh, owner, is aware of that. J. Langdell asked what “pull out of Cam” means? D. Knott responded that stands for Commercial Area Maintenance, usually it is done to save money but it can cause trouble. J. Langdell thanked D. Knott for that information. J. Langdell said once this gets subdivided, how much parking is left (once this is cut off of the master parcel)? D. MacGuire answered since these are existing uses, we just calculate for this application, if other lots are than subdivided, the calculations will be run. J. Langdell asked L. Daley what those calculations are? L. Daley did not have those numbers available. D. MacGuire said over 30% of the required open space is available. P. Amato asked about drainage. D. MacGuire said they have the flow patterns and catch basins on the property and they are directed on site. That drainage was looked at and the water is collected and then goes into additional catch basins and disbursed to additional basins and go to a storm water treatment pond. There will be easements for that type of use as well as for parking. The easement documents will call that out.

J. Langdell asked if there is going to be shared parking in the easement documents? P. McHugh said that is correct, for parking and drainage. J. Langdell asked if there will also be ownership listed? D. MacGuire said it will identify access, utilities, parking, easements for both St. Mary's Bank and B33 Lordens Plaza and they are working together on this. That needs final review by town staff. L. Daley asked about signage, will there be a sign on the monument sign or any wall signage? D. MacGuire would like to get appropriate signage, they are looking acquiring a monument sign, and that can be shown on the plan on the corner of the site and then wall signage but they will come in with those applications. L. Daley said that typically speaking, a sign plan should be given as part of the site plan application, would

the Planning Board want to see a sign plan or have staff work with the applicant on signage? J. Langdell said this is a separate lot so could they have a separate monument sign? L. Daley responded that they could. D. MacGuire said the Lorden Plaza sign is in a different category than this monument sign, where this building is much closer to Route 101A. J. Langdell is concerned about the sign density. P. Amato would like them to consider a wall sign for the bank instead of another monument sign. L. Daley indicated under the Town Ordinance, the maximum sign is 120 sf and the property can only have one monument sign. This is an opportunity to modify that monument sign and include the bank in it. D. MacGuire indicated that the intent was to maintain the existing monument sign on the Lordons Plaza lot and have a separate monument sign for the St. Mary's Bank on that lot. D. Knott feels like the Board is being asked to waive a requirement. A lot of work was put into the sign ordinance and we are being asked to waive it. L. Daley feels they will adhere to the ordinance or ask for relief. P. Amato would rather them come back to the Planning Board because of the nuances of this application.

S. Robinson said having a sign only on the bank would not be acceptable. D. MacGuire said they would like to exercise their right to have a monument sign on the bank lot and meet those requirements. There are a couple of options, there could be a condition that any signage would need to go back to the Planning Board. J. Langdell said there could be a condition that the applicant come back to the Planning Board with the sign package for review. L. Daley asked about any sidewalks for this site plan? D. MacGuire said this is actually just to clean up the site, we did not propose sidewalks beyond what is there already. L. Daley asked if there will be any sidewalk contribution made for the Nashua Street sidewalk project? J. Langdell said the pedestrian sidewalk crossing was part of the Nashua Street sidewalk project; the Board wanted to see a pedestrian crossing near McDonald's. L. Daley agreed. P. Amato said it is not applicable for this application. L. Daley said with easements that are required for this include stormwater, it is his recommendation which was in his staff review. P. Amato asked if the regulations changed from what is there now, since it seems to be working. L. Daley said nothing is really changing on this plan, just the ownership, and they cannot discharge to an abutting property without easements. D. MacGuire said they are reducing the impervious area that allows for the bypass lane so we are reducing that. J. Langdell asked how many spaces are being removed? D. MacGuire said 7 spaces will be removed, those 7 spaces should not have been there to begin with, when we have drive-through lanes, you do not want to have cars backing into the drive through lanes. J. Langdell said those spaces would have been counted in the calculation for when the other strip mall was added. P. Amato says those 7 spaces could have been for employee parking so they would not park where customers park. D. MacGuire said the employee spaces allocated were many more than what was required. We could keep a few and mark them for employees only. P. Amato would like to see the calculations for that plaza to make sure they were not part of that. D. MacGuire could do a calculation for the uses in the plaza to see what is required.

J. Langdell wants to make sure they will still meet the requirements for that area. L. Daley said as part of the sign package, the applicant could verify the parking calculations. D. Knott agreed that should get done.

D. MacGuire continued by stating a dumpster will not be used on the site; they are not proposing a dumpster, they have people come in and take the waste with them so there is no need for an on-site dumpster. J. Langdell asked if St. Mary's will have more space inside the building? D. MacGuire was not sure on that. Bob McHugh responded that the first floor has 5000 sf existing and this building will expand the entrance by just under 1000 sf, so the building will have 6000 sf total. P. Amato asked for architectural. Kurt, architect, provided he design and said they are hoping to be moved in by September or October 2021. P. Amato said it is great the bank is moving across the street.

Seeing no further input from the Board, D. Knott opened the meeting to the public. L. Daley did not see anyone waiting in the waiting room to speak. D. Knott closed the public portion. L. Daley indicated the easement documents have not been submitted to the town as of this date. P. Amato asked if they have been seen by Town Counsel? L. Daley answered they have not; noting that the monumentation for the subdivision also needs to be added to the plan or a bond needs to be set up for that. The outstanding items that need to be addressed prior to the applicant coming back to the Planning Board include: 1) clarification on the parking requirements; 2) a sign package for the Planning Board to review and approve; 3) monumentation be on the subdivision plan. L. Daley indicated the Subdivision Plan note the

monumentation on the plan or a security be submitted to cover the cost of monumentation to be provided by the applicant. The easements should be on the site plan as well. D. MacGuire said yes, we do not have the physical bounds yet, there is a list of covenants and cross easements that will benefit both properties, the Site Plan might be better to put those under. L. Daley said the applicant submitted both a Subdivision Plan application and a Site Plan application and those should be covered by both. P. Amato said if the monumentation was part of the Subdivision Plan, the Planning Board could move forward with that and then allow everything else to be on the Site Plan? J. Langdell said because of the parking, the Subdivision Plan is affected. L. Daley suggested putting the monumentation and easements through on the Site Plan application, that would allow the Subdivision to move forward tonight and then when they come back to the Planning Board and it would only be the Site Plan left to consider. P. Amato asked if the Subdivision Plan meets Town requirements? L. Daley said that it does, both lots meet the minimum size and frontage for conforming lots.

D. MacGuire indicated there are 67 parking spaces on the remainder of that portion of the property and that building is 18,000 sf of retail. J. Langdell would rather wait until the number can be verified with an approved site plan instead of using what is in front of him. D. MacGuire will have that parking calculation when the applicant comes back with the sign package.

P Amato moved to approve the Subdivision Plan with the condition that a note be added for monumentation as L. Daley has requested. T. Finan seconded. A poll was taken: J. Langdell yes; S. Robinson yes; P. Amato yes; T. Finan yes; D. Knott yes. Motion passed.

P. Amato moved to conditionally approve the Site Plan with the applicant coming back for drainage, parking, a sign package and easement documents at the February 18, 2021 Planning Board meeting. T. Finan seconded. A poll was taken: S. Robinson yes; J. Langdell yes; T. Finan yes; P. Amato yes; D. Knott yes. Motion passed.

L. Daley confirmed that the next Planning Board meeting for the applicant to come back will be February 18, 2021, asking if the applicant can be prepared for that date. D. MacGuire responded that he can be.

- e. **Zachary Clark (applicant/owner) – Review for acceptance and consideration of final approval for a site plan and conditional use permit to construct a 1,300 square foot building to be used as a home industry based business. The parcel is located at 557 Route 13 South in the Residential R zoning district. Tax Map 47, Lot 39.**

L. Daley indicated that Zachary Clark has requested his application to be heard at the February 2, 2021 Planning Board meeting. A motion was taken prior to any applications being heard this evening.

- f. **In accordance with the requirements of NH RSA 675:3 the Milford Planning Board will hold a Public Hearing on Tuesday January 5, 2021 and January 19, 2021 beginning at 6:30 pm via Zoom. The purpose of the public hearing is to discuss the proposed amendments to the Town of Milford Zoning Ordinance as follows:**

- a. Amend Article V, Sections 5.02.5 Yard Requirements, 5.03.6 Yard Requirements, and 5.04.5 Yard Requirements by deleting Subsection C in each relative to accessory structures in the Residential A, B and R Zoning Districts.

L. Daley explained the background information and history of the yard setbacks; the 6' setback originally in 1996 was to work with individuals to locate sheds in the Residence A district only because of the smaller lot sizes. In 2011, this expanded to all districts A, B and R. With this proposed modification, we are trying to be consistent in the town. In order to go into the 15' setback there is a zoning tool, the Special Exception, which would allow an accessory structure within the 15' setback. L. Daley explained Milford is unique with dimensional setbacks, so that abutters can co-exist. P. Amato said the Planning Board should take a look at the building envelopes on lots, he feels this is too restrictive. J. Langdell indicated there are incentives to help work with developers for better building envelopes to allow for family growth with these smaller lots. L. Daley said a number of great points are being brought up with this discussion. P. Amato

said we need to build nice neighborhoods instead of trying to get more housing on a plan. D. Knott opened the meeting to the public. L. Daley did not see anyone waiting to speak. D. Knott closed the public portion of the meeting. J. Langdell moved to post and publish the zoning amendment for Article V, Sections 5.02.5 Yard Requirements, 5.03.6 Yard Requirements and 5.04.6 Yard Requirements. T. Finan seconded. A poll was taken: S. Robinson yes; P. Amato yes; T. Finan yes; J. Langdell yes; D. Knott yes. Motion passed.

- b. Amend Article VII, Supplementary Standards by inserting new Section 7.15 Mobile Food Vendors to regulate and accommodate mobile food vendors in appropriate locations.

L. Daley provided updates to the proposed language of this proposed amendment; clarifying that this is not applicable to the “mobile canteen trucks” that often visit the Industrial businesses. This is regarding Mobile Food Vendors, there were no other comments. D. Knott opened the meeting to the public for comment. L. Daley did not see anyone waiting to speak. D. Knott closed the meeting to the public. J. Langdell moved to post and publish the zoning amendment Article VII for a new Section 7.15 Mobile Food Vendors. T. Finan seconded. A poll was taken: P. Amato yes; J. Langdell yes; T. Finan yes; S. Robinson yes; D. Knott yes. Motion passed.

3. Other Business:

- 4. Approval of Minutes:** There were no minutes presented this evening.

- 5. Adjournment.** The meeting was adjourned at 9:01 p.m. on a motion made by T. Finan and seconded by S. Robinson. A poll was taken: T. Finan yes; P. Amato, yes; J. Langdell, yes; S. Robinson, yes; D. Knott, yes. Motion passed. The next Planning Board meeting is February 2, 2021.

Date: _____

Signature of the Chairperson/Vice-Chairperson:

MINUTES OF THE 1/19/21 MEETING WERE APPROVED 2/16/21