MILFORD PLANNING BOARD MINUTES ~ APPROVED

December 21, 2021 Board of Selectmen Meeting Room, 6:30 PM

**Members Present: Staff:**

Doug Knott, Chairman Jason Cleghorn, Town Planner

Tim Finan, Vice Chairman Darlene Bouffard, Recording Secretary

Pete Basiliere, Member

Janet Langdell, Member

Elaine Cohen, Alternate Member

**Excused**:

Susan Robinson, Member

Paul Amato, Member

Dave Freel, Selectmen’s Rep

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 review of one application and review of two proposed zoning amendments. D. Knott asked that E. Cohen vote in the absence of P. Amato tonight.
2. **Public Hearing**:

* 1. **Case SP2021-23 Jeremy Bradler/Justin Benson** (owner/applicant) Minor Site Plan review for a change of use for a private gathering space. The parcel, Map 25, Lot 44 is located at 263 Union Square #2 in the Commercial “C” zoning district.

T. Finan moved to accept the application for review. P. Basiliere seconded. All were in favor. Motion passed. J. Langdell moved no potential regional impact. E. Cohen seconded. All were in favor. Motion passed. J. Cleghorn read the abutters list. There were no abutters present or on Zoom.

Justin Benson, presenting the application, said he is looking to have a gathering space for business owners 4-5 times per year and otherwise it will be fairly quiet. This is a space that is not currently available for business owners. This will be a private club for business owners to meet, without meeting at a noisy bar. It is a place to get together and feel welcome. He would like to get to a place where there is enough revenue to hold fundraisers for charitable groups. D. Knott asked if this will be used only 4-5 times per year? J. Benson said that is when it will be filled to capacity; he has spoken to the Milford Fire Chief who has said capacity would be 60 people maximum. Mr. Benson said he would like to hold fundraisers a few times per year to collect for charities. J. Benson has a barber shop next door and he helps where he can.

J. Benson continued to explain this is a private club with memberships. The space will not be used for anything other than the members and how it is used will vary. There is no retail being proposed. J. Langdell read the Executive Summary and asked if this is being created as a non-profit. J. Benson said yes, in a few months, members will meet as a Board and move forward to do the non-profit paperwork. There will be no food made on site. J. Benson would like local users to become members, it is a place members can go to relax. J. Benson hopes they can do good things. P. Basiliere asked if the concept fits within the town ordinance? Can food or alcohol be brought in? J. Benson said they might bring either in, but will not serve either. He has looked into what is required to serve alcohol and found they would need to be in business for one year, but that is unclear, and they would need to apply for a liquor license. The Liquor Commission is involved in that. J. Benson said the LLC was filed for one year ago and the non-profit has not been established yet. J. Langdell suggested asking about insurance for alcohol and being a non-profit. J. Langdell asked about the Fire Consultant report in the packet, has the Milford Fire Department been involved at all? J. Benson said the Fire Department has been involved and will not require sprinklers based on the gathering space square footage. The Fire Chief and Fire Marshall have met with Justin Benson and determined that the space is smaller than the consultant originally measured.

P. Basiliere asked about the Triangle Fire Consultant report regarding food and alcohol. J. Cleghorn stated the two choices for fire rating are A2 rating and A3 rating, both the Fire Chief and Fire Marshal inspected the space and the measurements they took were what determined the A3 designation. Ken Flaherty, Milford Fire Chief, told J. Cleghorn that as long as they get a liquor license, alcohol would be allowed. D. Knott said in reading the staff report, he asked if all items on the staff report have been done and J. Benson said they are all done or are in the process of being done except for the ramp, which goes out back and was talked about and needs to be figured out in the Building Permit process. J. Benson said the rear exit goes into the parking lot; but there is already a ramp in the front of the building. D. Knott said the ramp is a Building Permit issue, not a Planning Board issue. J. Langdell stated the ramp is an ADA requirement for having two means of egress. E. Cohen asked if the windows are being left the way they are and will there be a sign? J. Benson said there is no plan to have any sign, it is being talked about for members to use the windows to advertise their own businesses. J. Langdell said it might be a good way to advertise some of the local non-profits. J. Benson is just trying to create the space and have a Board of Directors to make those decisions.

P. Basiliere said he is still not clear about the Triangle Fire Consultant report. J. Cleghorn has clarity on the consultant report since the Fire Marshall and Fire Chief is satisfied. According to them, this qualifies as an A3 rating because of the size. P. Basiliere said if the staff and fire experts say it qualifies as an A3, then it is. J. Cleghorn said this has been discussed with the Milford Fire Department for months. J. Langdell said for the next Planning Board Work Session, could the International Building Code be brought for the information regarding the A2 and A3 fire ratings? D. Knott asked that it be sent via email to Board members.

D. Knott opened the hearing to the public for comments or questions. There were no questions or comments from the public. D. Knott closed the public portion of the meeting. J. Langdell asked about parking in the back of the building, are there designated spaces? J. Benson said the lot directly behind the building has spaces that he can use. J. Langdell thought there were spaces of reserved parking for this building.

J. Langdell moved to approve this Minor Site Plan SP2021-23 conditioned on any additional State or Town licenses that may need to occur. E. Cohen seconded. All were in favor, with P. Basiliere abstaining. Motion passed 4/0/1.

* 1. **Zoning Amendments. Amend Article III – Zoning Map, Section 3.01.0 Districts to change the designated zoning from Integrated Commercial-Industrial (ICI) to Residential “B” for the properties identified as Milford Tax Map 11, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.** J. Cleghorn explained on November 30, 2021, the Planning Board voted to Post and Publish to Warrant Article, the staff sent certified letters to each of the property owners involved; all pertinent information was sent and there were no inquiries on it. This is the First Public Hearing of the required two public hearings. On January 4, the other two proposed zoning amendments will have their first public hearing and then all four of the proposed zoning amendments will have their second public hearings on January 18. J. Cleghorn stated there was one owner at the first meeting that had some questions, but he has since not had any more questions. J. Langdell thinks the topical language of the changes can be softened a little, it could be presented to voters in a more community-friendly manner. J. Langdell feels it is a little off-putting as written. P. Basiliere does not like the term “less intense” and suggested using “the properties are more suitably zoned as Residence B consistent with the existing abutter uses in the surrounding neighborhoods.” D. Knott opened the meeting to the public. There were no comments. D. Knott closed the public hearing. J. Langdell moved to modify the topical description as described. E. Cohen seconded. All were in favor. Motion passed. The second public hearing will be held on January 18, 2022.
	2. **Amend Article IV, Definitions and Article V, 5.04.1 Acceptable Uses and add new section Article V, Section 5.04.8 Estate Lots to Include an Estate Lot as a permitted use on a lot ten (10) acres or more in the Residential “R” Zoning District.** It was suggested to make the same community-friendly change to the topical description**.** D. Knott opened the meeting to the public. There were no comments. D. Knott closed the public hearing. J. Langdell moved to modify the topical description as described. E. Cohen seconded. All were in favor. Motion passed. The second public hearing will be held on January 18, 2022.
1. **Other Business**:
2. **Meeting Minutes**: November 2, 2021, November 16, 2021

J. Langdell moved to approve the minutes of November 2, 2021 and November 16, 2021 as presented. T. Finan seconded. All were in favor.

1. **Upcoming Meetings:**

1/4/22 – Regular Work Session / Public Hearing

1/18/22 – Regular Public Meeting and Public Hearing

**6. Adjournment.** The meeting was adjourned at 7:30 p.m. on a motion made by P. Basiliere and seconded by T. Finan. All were in favor. Motion passed unanimously.

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Signature of the Chairperson/Vice-Chairperson: