

TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

Date: January 12, 2023
To: Planning Board
From: Terrence Dolan, Town Planner
Subject: SP2022-09 371 Elm Street, LLC, for the property located at Tax Map 16, Lot 1, 371 Elm Street. Minor Site Plan for a change of use from a motel to a multi-family apartment building and related site improvements on the subject property located in the Integrated Commercial Industrial district and West Elm Overlay. (Continued from 12/20/22)

BACKGROUND/PROPOSAL:

This meeting is a *Continuation* of the December 20, 2022 Hearing for the Planning Board to consider a Minor Site Plan Application for a change of use from a motel to a 12-unit, multi-family (studio) apartment building with minor site improvements.

This meeting shall be the second Planning Board public hearing for the project - Minor Site Plan Approval Request.

The Planning Board, at their December 20, 2022 meeting, duly considered the insufficient (existing) parking conditions and concluded by requesting the Applicant to spend additional time to prepare a revised parking plan for the respective units to increase the number of potential parking spaces to the greatest degree possible. A conversion of motel rooms to multi-family units would require a minimum of two (2) parking spaces per unit. (see Waiver of Section 6.05.4 below).

A revised site plan was provided by the applicant to staff for review on December 23, 2022 showing a revised parking area for the twelve units with a proposed total of 6 additional diagonal parking spaces, in addition to the present twelve (12 delineated) parking spaces.

LOT AREA:

The subject property is approximately .64 acre (27,878 sq. ft.).

NOTICES:

Due to this being a *Continuation* of the ongoing Public Hearing, no new notices were provided to the abutters. Notices were sent to all property abutters in October.

WAIVERS:

1. 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.
2. Waiver of Development Regulations, Section 6.05.3 to allow for a reduction of the required parking space dimension.
3. 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.
4. Waiver of Development Regulations, Section 6.08.6 from requiring landscaping along the frontage of the existing building.

PARKING:

The project proposes to maintain the existing 12 spaces that served the motel use. The spaces had been redrawn to meet the minimum 9’x18’ area requirement. Per Section 6.05.4 of the Milford Development Regulations, each multi-family apartment requires a minimum of 2 spaces for a total of 24 spaces. The applicant has asked for a 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.

Historically (*and presently*) the twelve-space parking lot (as field verified) shows parking space dimensions of:

6 Northerly Parking Spaces @ 90 degrees = 8’ avg. width by 12’ length

6 Westerly Diagonal Parking Spaces @ 45 degrees = 7.5’-8’ avg. width by 16’ length

Staff Recommendation: Encourage the Planning Board to allow for a continuation of these existing parking space dimensions of 8’x 16’ to be retained, and provide the approval of the Waiver of Section 6.05.3

UPDATED INTERDEPARTMENTAL REVIEWS (as of January 11, 2023):

Original Comments: Community Development / Planning:

1. The conversion of the building to a multi-family requires compliance with specific building and life safety codes. Town departments have actively and will continue work with the applicant and owner to bring the building into compliance as a 12 unit multi-family building. This may require the installation of additional fire and life safety protection measures.
2. Sheet 1. Revise the numbering of the listed Notes section to be sequential.
3. Sheet 1. The orientation and location of the proposed parking spaces result in potential internal conflict for the tenants of the apartments. Staff recommends that the Planning Board direct staff to work with applicant to assist in the layout and design of the **12** existing parking spaces. If the Board supports the waiver request allowing the 12 total spaces, staff recommends that as part of the lease agreement for each unit, a condition specifically stating that one parking space is assigned per unit. In addition, if the number of vehicles exceed 12 on the site on a consistent basis, the property owner shall be required to submit an amended site plan to the Planning Board seeking additional parking.
4. Sheet 1. The applicant will be required to submit written approval of the owner the abutting parcel, Tax Map 16, Lot 1-1 to allow the removal of the impervious pavement located between the properties and minor grading.
5. Sheet 1. Staff recommends that the Planning Board direct staff to work with the applicant to ensure said minor improvements and grading manage stormwater effectively on the properties.
6. Sheet 1. Revise the plan to include a dumpster pad and related screening detail.

In addition to the original Staff Recommendations listed above, providing for a recommendation of conditional approval of the minor site plan incorporating Staff Comments 2 – 6 into the decision and granting of the waivers, the Planning Board should also consider the following (more recent) Staff Comments:

NEW STAFF RECOMMENDATIONS/COMMENTS RECEIVED:

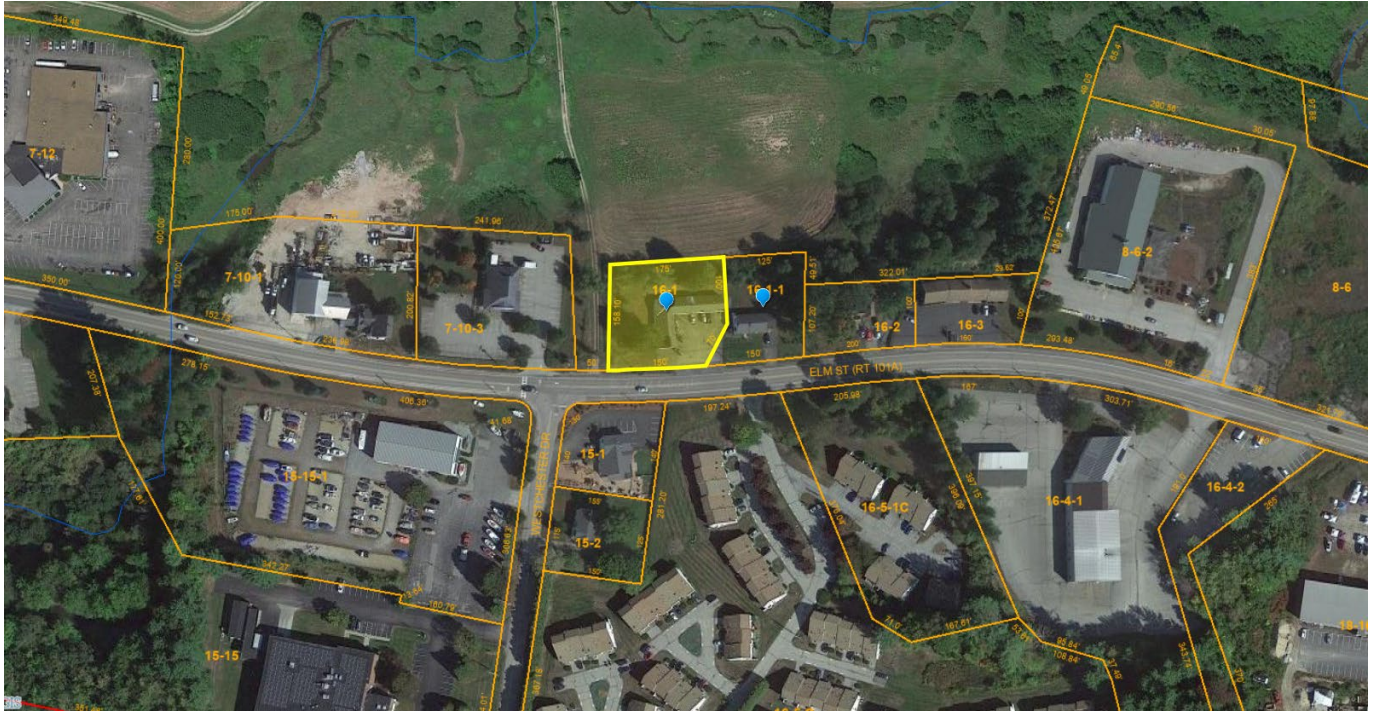
1. **Ambulance (Eric Schelberg, Ambulance Director):** Asked if the corner (middle) unit’s front door hallway location could be re-aligned to better enable emergency personnel the ability to make the turn into the residential unit. Commented on the likely *horizontal stretcher access difficulty* (to and from the unit) due to the narrowness of the existing “dead-end” hallway terminus. It may cause horizontal stretchers to be titled up, causing un-due stress to a patient.
2. **Milford Water Utilities Dept. (Jim Pouliot, Water Utilities Director):** Water Utilities needs to verify location of services. If the utilities are located in the additional parking area, then those services need to be in a spot to gain access at any time.

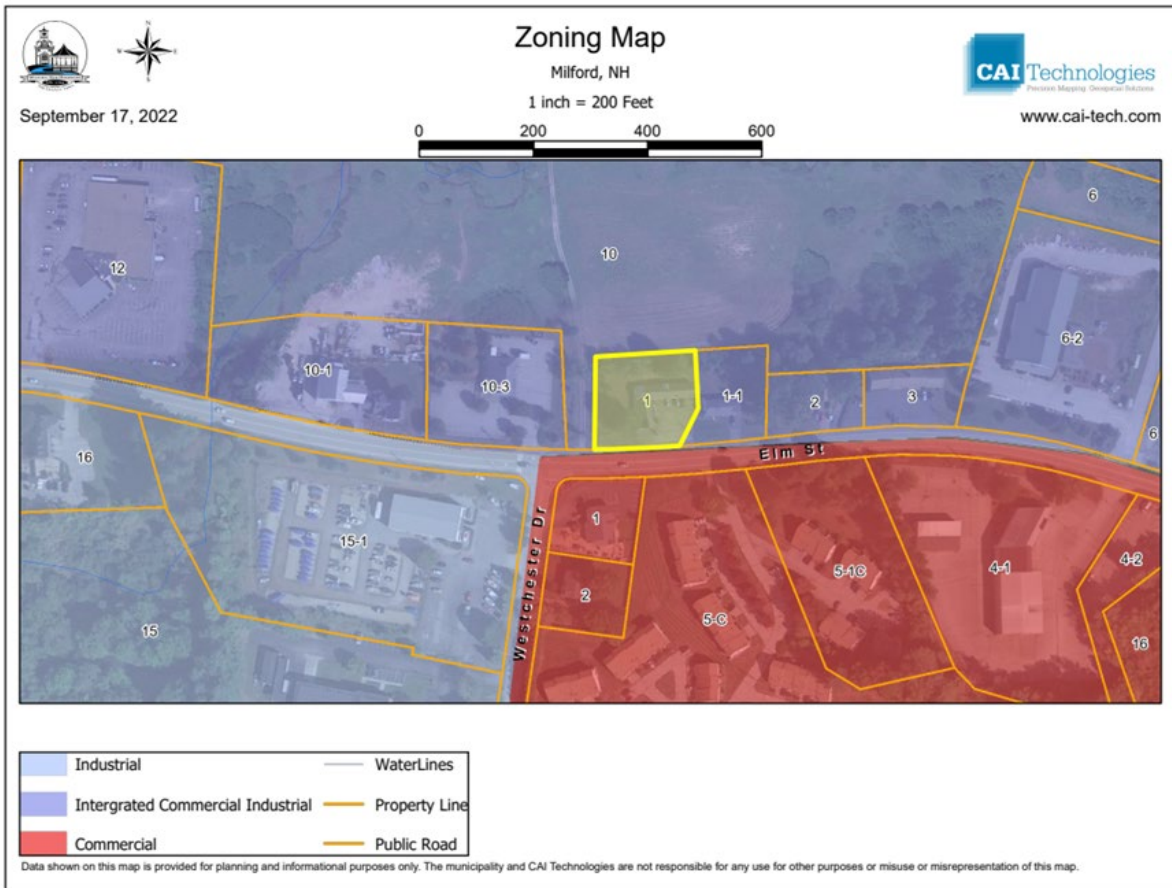
3. **Drainage and Stormwater Management (Dawn Tuomala, Town Engineer)** – See attached 1/13/23 letter.
4. **Parking:** The revised *12-23-22 Site Plan* (see attached) does not facilitate safe vehicular movement throughout the parking lot area-as presently designed with the six (6) additional spaces being adding to the existing 12 parking spaces for a newly proposed total of eighteen (18) parking spaces.
- In Lieu of the proposed six (6) additional spaces, to maintain and ensure safe vehicle maneuverability through the parking lot area, a *maximum* of three (3) additional 90-degree pull-in parking spaces *may* be achieved, abutting the southerly end of the west leg of the residential units.
 - The goal of obtaining an *additional 5-6* parking spaces over and above the existing 12 parking spaces (as designed) is highly unlikely to be successfully accomplished. As well, the southwestern-most (existing) parking space warrants deletion in any site re-design.
 - In order to facilitate the concept of the three (3) additional parking spaces, **the existing southwestern-most parking space will need to be eliminated, thus leaving eleven (11) original parking spaces.** By designing and adding three additional parking spaces this would yield **a new development total of: 14 Parking Spaces, overall.**

STAFF RECOMMENDATIONS:

The applicant should be prepared to address the comments raised by the Planning Board, Staff, and public pertaining to the Site Plan. The Planning Board will need to determine if the proposed site development meets the purpose and intent of the overlay and act on the waiver requests.

Aerial Photograph(s) of Subject Property:





Street View(s) of Subject Property:

View of Property Looking West on Elm Street



View of Property Looking NW on Elm Street



View of Property Looking North on Elm Street



View of Property Looking NE on Elm Street



View of Property Looking East on Elm Street





#1

Need to eliminate existing parking space to facilitate addition of ± 3 additional spaces (90°) between so. bldg. end + Elm St ROW line.



2

Approximate
Elm St.
ROW line



#3

* Approximate revised property line for easterly neighboring property.



4



#5



#6



#7

TOWN OF MILFORD
DEPARTMENT OF PUBLIC WORKS

Buildings • Cemeteries • Highway • Parks
Recycling Center • Transfer Station

INTERDEPARTMENTAL MEMORANDUM

DATE: January 13, 2023

TO: Terrance, Dolan, Town Planner
Community Development

FROM: Dawn B. Tuomala, PE, LLS, CWS
Department of Public Works

RE: Minor Site Plan
Map 16 Lot 1, 371 Elm Street

This memo is in regards to the above referenced Minor Site Plan is in regards to specific Public Works concerns regarding the plan and is not a full review of the Town of Milford Development Regulations. Public Works offers the following comments:

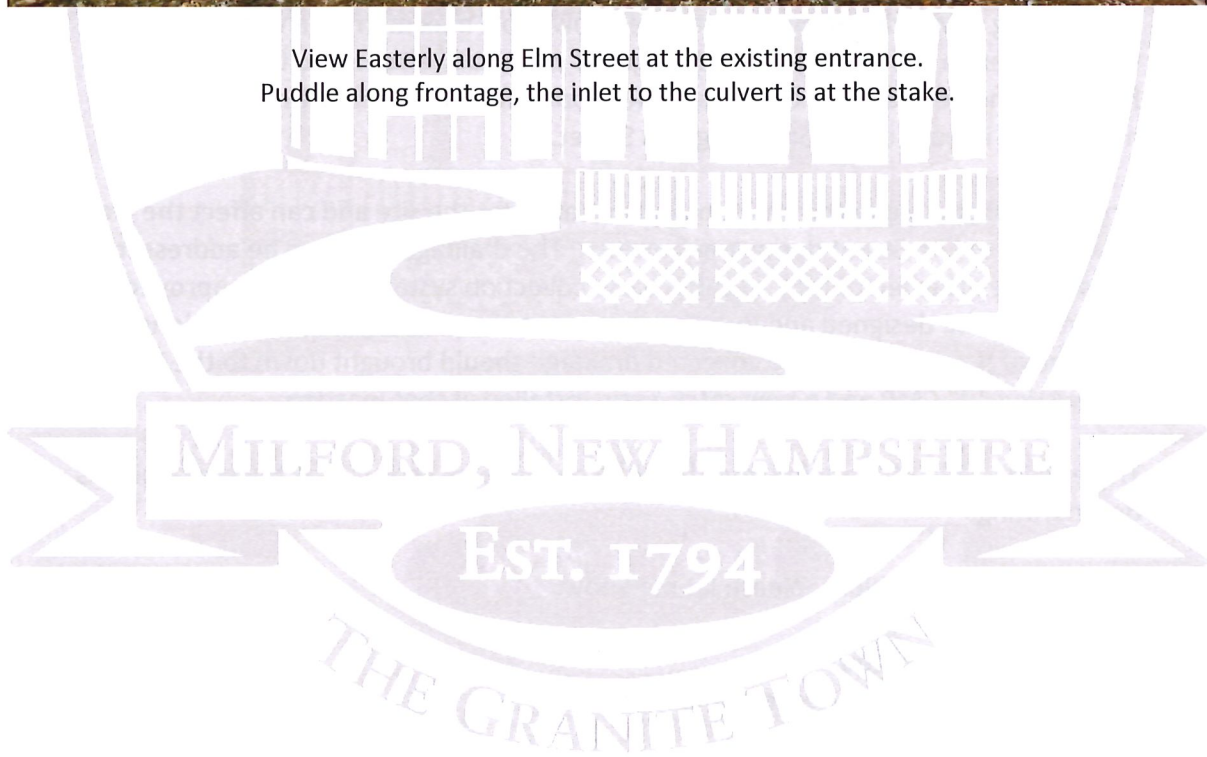
1. Presently the existing paved driveway entrance is paved across most of the frontage of the lot. Per Driveway Permit Regulations there shall only be one access point per lot. The existing paved driveway is be reduced down to a maximum of a width of 40 feet wide. The extra pavement within the right of way shall be removed to allow for a better-defined entrance and egress. A 400 foot minimum sight distance shall be maintained in both directions along Elm Street.
2. Drainage collects along the entire paved entrance for the site and can affect the west bound lane of Elm Street during peak events. The drainage needs to be addressed on the site (see attached photo). A catch basin collection system (or other approved system) shall be designed and installed to remove the ponding that occurs along the frontage of the property. The collected drainage should brought down to the inlet of the existing 12" CMP and a new catch basin installed at that location.
3. The existing 12" CMP running into the ditch needs to be replaced as the metal pipe is deteriorating.

If you have any further questions, please let me know.

File: Leo Lessard, DPW Director
Lincoln Dailey, Community Development Director



View Easterly along Elm Street at the existing entrance.
Puddle along frontage, the inlet to the culvert is at the stake.



NRCS SOILS LEGEND:
SOURCE: USDA NRCS WEB SOIL SURVEY

--- SOIL BOUNDARY

Om OCCUM - FINE SANDY LOAM HIGH BOTTOM

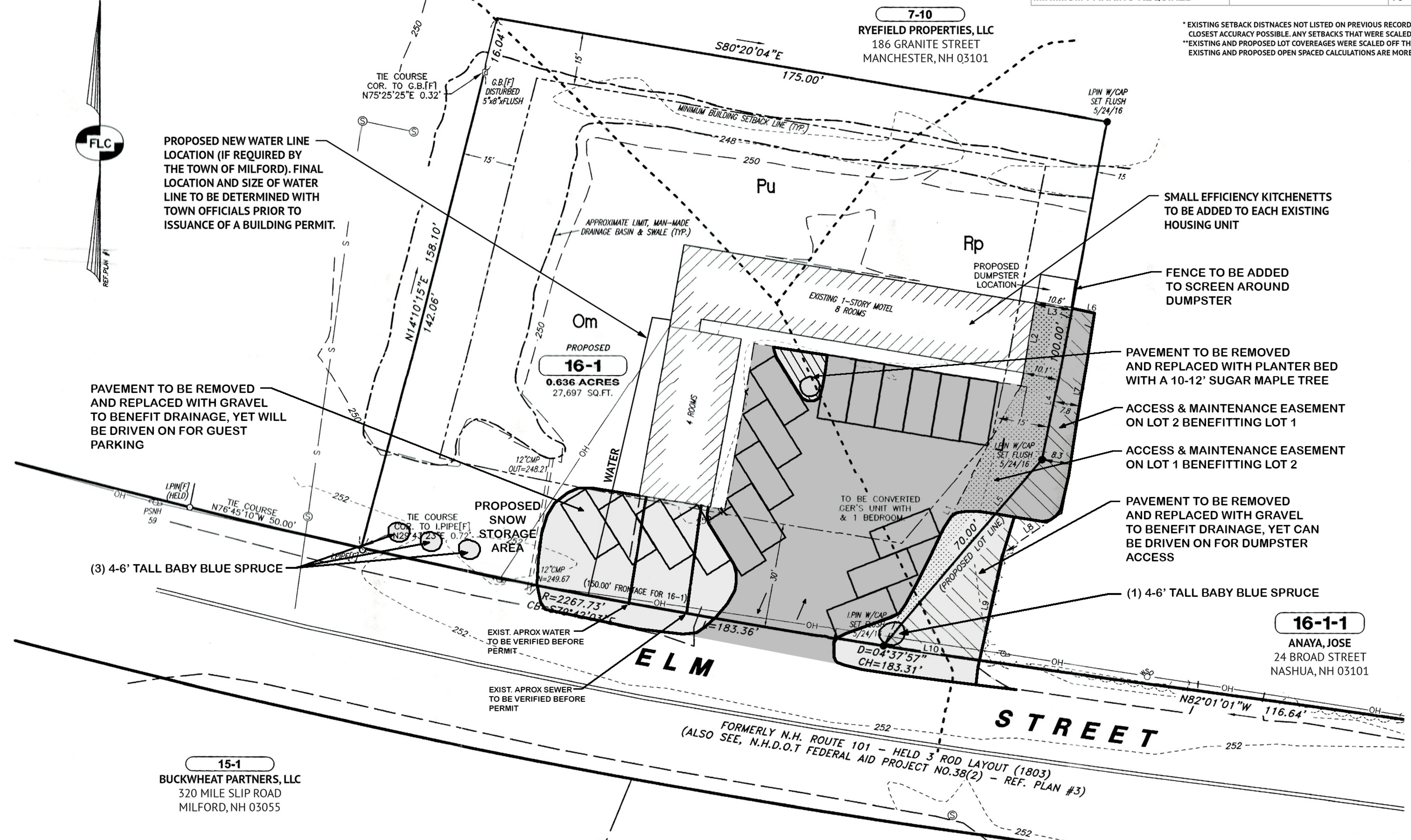
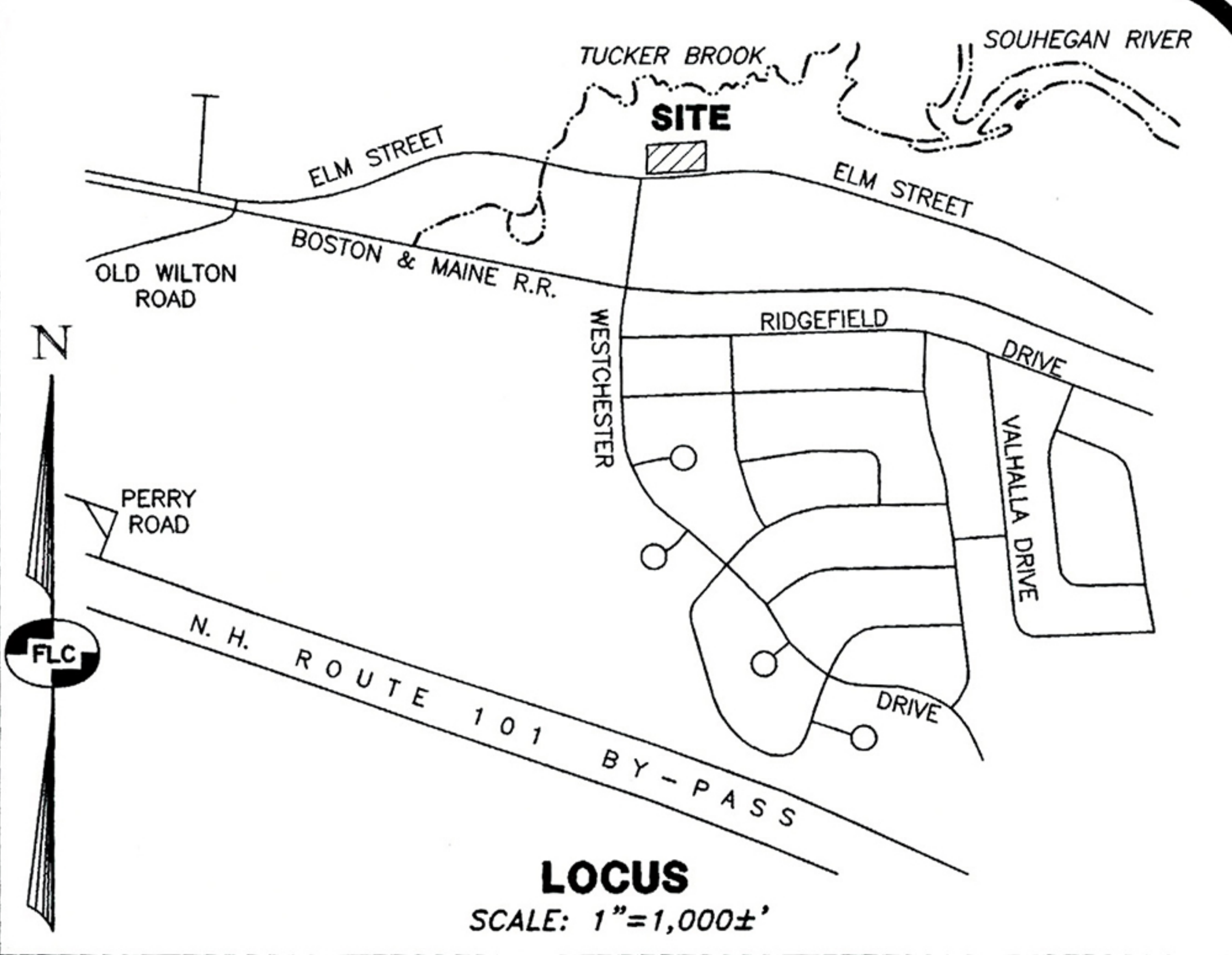
Pu POOTATUCK - FINE SANDY LOAM

Rp RIPPOWAM - FINE SANDY LOAM

- REFERENCE PLANS:**
- "BOUNDARY PLAN OF LAND - PREPARED FOR - CHARLES & FREDERICKA HAYWARD - MILFORD, NEW HAMPSHIRE", SCALE 1"=200', DATED MAY 9, 1989, BY THOMAS F. MORAN, INC. NOT RECORDED.
 - "LOT LINE ADJUSTMENT PLAN OF LAND & - SUBDIVISION PLAN OF LAND - TAX MAP LOT 7-10 & 7-10-1 - PREPARED FOR - CHARLES P. & FREDERICKA HAYWARD - MILFORD, NEW HAMPSHIRE", SCALE 1"=200', DATED FEBRUARY 26, 2001 AND LAST REVISED APRIL 2, 2001, BY MERIDIAN LAND SERVICES, INC. RECORDED IN THE H.C.R.D. AS PLAN NO. 31044.
 - "BOUNDARY PLAN OF LAND - PREPARED FOR - PERIMETER ASSOCIATES - MILFORD, N.H.", SCALE 1"=40', DATED OCTOBER 28, 1988 AND LAST REVISED NOVEMBER 10, 1988, BY THOMAS F. MORAN, INC. RECORDED IN THE H.C.R.D. AS PLAN NO. 22800.
 - "STATE OF NEW HAMPSHIRE - HIGHWAY DEPARTMENT - PLANS OF PROPOSED - FEDERAL AID PROJECT - NO.38(2) - SOUTH SIDE ROAD - TOWN OF MILFORD - COUNTY OF HILLSBORO", ASBUILT PLANS FA 233-A (2) FA38(2), 1"=50', DATED APRIL 12, 1940, SHEETS 4 & 5 OF 24. AVAILABLE AT THE N.H.D.O.T. HIGHWAY DEPARTMENT.
 - "PROPERTY OF - HAYWARD FARMS, INC. - ELM STREET - MILFORD, N.H.", SCALE 1"=50', DATED APRIL 1975 AND UPDATED DECEMBER 1979, BY E.F. BENT. RECORDED IN THE H.C.R.D. AS PLAN NO. 12628.
 - "PROPOSED SITE PLAN - FOR - HAYWARD'S TRADING POST AND COUNTRY STORE, INC. - ELM STREET - MILFORD, N.H.", SCALE 1"=20', DATED APRIL 1976, BY E.F. BENT. AVAILABLE AT THE TOWN OF MILFORD PLANNING DEPT.

ZONING DISTRICT (IC)

	REQUIRED	EXISTING	PROPOSED
		MOTEL	MULTIFAMILY
AREA OF NEW LAND DISTURBANCE			1,407 SQUARE FEET
LOT AREA	20,000 SQUARE FEET	27,697 SQUARE FEET	27,697 SQUARE FEET
FRONT SETBACK	30 FEET	30.9 FEET*	30.9 FEET*
SIDE SETBACK (A)	15 FEET	67.1 FEET*	67.1 FEET*
SIDE SETBACK (B)	15 FEET	10.5 FEET	10.5 FEET
REAR SETBACK	15 FEET	54.4 FEET*	54.4 FEET*
LOT FRONTAGE	150.00 FEET	183.36 FEET	183.36 FEET
MINIMUM OPEN SPACE	30%	62.9%**	58.9%**
MINIMUM PARKING REQUIRED		13	18



*EXISTING SETBACK DISTANCES NOT LISTED ON PREVIOUS RECORDED SUBDIVISION PLAN, WERE SCALED TO THE THE CLOSEST ACCURACY POSSIBLE ANY SETBACKS THAT WERE SCALED ARE SHOWN TO BE INSIDE THE REQUIRED SETBACKS.
**EXISTING AND PROPOSED LOT COVERAGES WERE SCALED OFF THE PREVIOUS RECORDED SUBDIVISION PLAN, BOTH EXISTING AND PROPOSED OPEN SPACED CALCULATIONS ARE MORE THAN 50% THE REQUIRED AMOUNT.

NOTES CONTINUED

12. TAX MAP LOT 16-1 WAS GRANTED A VARIANCE UNDER THE TOWN OF MILFORD ZONING ORDINANCE, SECTION ARTICLE V, SECTION 5.08.1 TO ALLOW THE CONVERSION OF AN EXISTING MOTEL TO A MULTIFAMILY USE (APARTMENTS). THIS DECISION INCLUDES A CONDITION WHEREBY IF THE TOTAL NUMBER OF UNITS FOR THE MULTI-FAMILY USE EXCEED (10) UNITS, THE ADDITIONAL UNITS WOULD BE REQUIRED TO COMPLY WITH THE NH WORKFORCE HOUSING REGULATIONS FOR A PERIOD OF 5 YEARS. IN ADDITION, THE PROPERTY WAS GRANTED A VARIANCE PUSUANT TO ARTICLE V, SECTION 5.03.4 OF THE MILFORD ZONING ORDINANCE TO PERMIT A TOTAL DENSITY OF 12 UNITS WITHIN THE EXISTING RESIDENTIAL/COMMERCIAL BUILDING.

13. PROPOSED LOT 16-1-1 SHALL BE SUBJECT TO THE POLICE AND LIBRAR MUNICIPAL IMPACT FEES.

PARKING REQUIREMENTS:

EACH UNIT WILL BE GRANTED ONE DESIGNATED PARKING SPACE PER UNIT. THIS 1 SPACE SHALL BE DESCRIBED WITHIN THEIR LEASE AGREEMENT AND SHALL COME WITH A PARKING PASS TO PUT ON THEIR CAR. THERE WILL BE 6 GUEST OVERFLOW SPOTS THAT WILL BE FLEXIBLE FOR THE BUILDING, BUT WILL HAVE A 48 HOUR TIME LIMIT. ANY GUEST CAR THAT REMAINS IN A SPACE LONGER THAN 48 HOURS WILL BE TOWED. ALL GUEST PARKING IN GRAVEL AREAS MUST BE REMOVED DURING SNOW STORMS OVER 1" FOR PLOWING.

NOTES

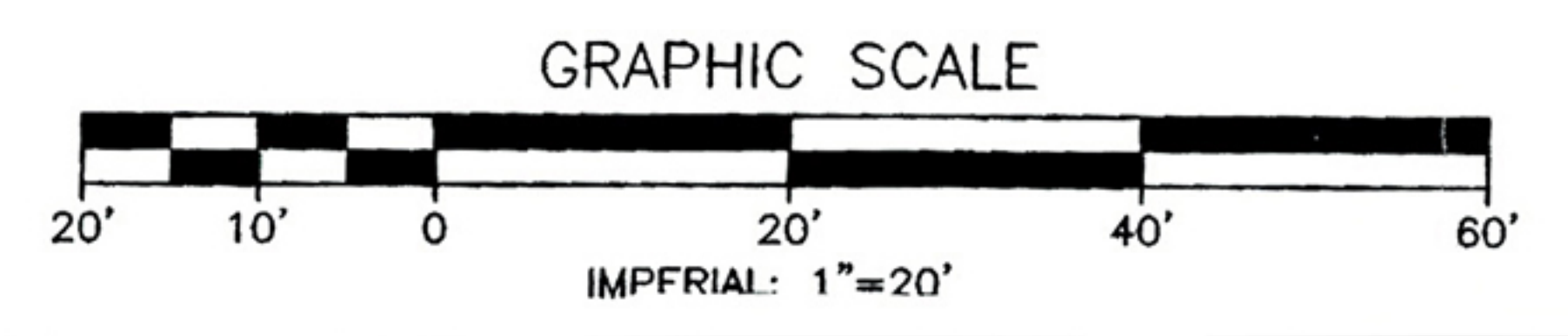
- THE OWNER OF RECORD FOR LOT 16-1 IN 371 ELM STREET, LLC, 110 MAPLE LANE, NORTHBOROUGH, MA 01532. DEED REFERENCE TO THE PARCEL IS BOOK 9493, PAGE 0170 IN THE H.C.R.D.
- THE PURPOSE OF THIS PLAN IS TO SHOW A MINOR SITE PLAN TO CHANGE/CONVERT THE EXISTING MOTEL USE INTO 12 SINGLE BEDROOM APARTMENTS.
- THE TOTAL AREA OF THE EXISTING TAX MAP PARCEL 16-1 IS 0.636 ACRES OR 27,697SF WITH 183.6' OF ROAD FRONTAGE ON ELM STREET
- THE PROPERTY IS LOCATED WITHIN THE INTEGRATED COMMERCIAL-INDUSTRIAL (IC) DISTRICT LOT REQUIREMENTS INCLUDE:"
MIN. LOT SIZE: 20,000 S.F. FOR AREAS SERVICED BY MUNICIPAL SEWER AND WATER SYSTEMS
ROAD FRONTAGE: 150FT ON A CLASS V OR BETTER ROAD
BUILDING SETBACKS: FRONT - 30', SIDE AND REAR - 15'
- THE WETLAND CONSERVATION DISTRICT OVERLAY REQUIRES A 25' BUFFER SETBACK. NO WETLANDS WERE OBSERVED DURING THE FIELD SURVEY.
- EXISTING LOT 16-1 SERVICED BY MUNICIPAL SEWERAGE AND WATER SYSTEMS WITH OVERHEAD UTILITIES.
- BENJAMIN LEGARE OF DOWNEAST RESIDENTIAL PREPARED THE PLAN FOR MINOR SITE PLAN REVIEW, BASED ON THE "SUBDIVISION PLAN, TAX MAP PARCEL 16-1 - 371 ELM STREET, MILFORD NEW HAMPSHIRE, PREPARED FOR GRANITE TOWN MOTEL, P.O. BOX 405, AMHERST NH 03031, LAND OF: AMERICO TRADE, LLC, P.O. BOX 405, AMHERST NH 03031," DATED 5/15/2015, REVISED 6/11/16 AND RECORDED AT THE HCRD #38948.
- THE SITE IS LOCATED WITHIN LEVEL 1 AREA OF THE GROUNDWATER PROTECTION DISTRICT.
- THE SITE IS LOCATED WITHIN THE LIMITS OF THE WEST ELM STREET GATEWAY DISTRICT.
- EXAMINATION OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL #33011C04580. SHEET 458 OF 701, DATED SEPTEMBER 25, 2009 INDICATES THAT A PORTION OF THE SITE LIES WITHIN THE 100 YEAR FLOOD HAZARD ZONE. THE BASE FLOOD ELEVATION OF 249.9 FEET (MAYD88) WAS DETERMINED USING THE FLOOD PROFILES PREPARED FOR TUCKER BROOK BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SHEET 354P.
- THERE ARE NO KNOWN RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTY OTHER THAN THOSE DEPICTED HERON IF ANY.
- WAIVER REQUIREMENTS:
A) WAIVER DEVELOPMENT REGULATIONS, SECTION 6.05.4 TABLE OF OFF-STREET PARKING TO ALLOW 1 PARKING SPACE PER UNIT WHERE 2 SPACES ARE REQUIRED
B) 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.
C) WAIVER OF DEVELOPMENT REGULATIONS, SECTION 6.08.6 FROM REQUIRING LANDSCAPING ALONG THE FRONTAGE OF THE EXISTING BUILDING.
D) WAIVER OF DEVELOPMENT REGULATIONS FROM REQUIRING 9' PARKING WITH TO ALLOW FOR THE EXISTING 8' WIDTH TO REMAIN ON ALL PARKING ON SITE

MILFORD, NH - PLANNING BOARD

[Signature]

OWNER : 371 ELM STREET, LLC
110 MAPLE LN, NORTHBOROUGH, MA

11-5-1C
WESTCHESTER HEIGHTS CONDOMINIUMS
C/O CITYSIDE MANAGEMENT
186 GRANITE STREET, SUITE 301
MANCHESTER, NH 03101



LEGEND:

— RIGHT-OF-WAY LINE	○ [PIPE] IRON PIPE FOUND
— BOUNDARY LINE	○ [PIN] DRILL HOLE FOUND
— ABUTTING LOT LINE	□ [G.B.] GRANITE BOUND FOUND
--- BUILDING SETBACK LINE	● [PIN] IRON PIN TO BE SET
— EDGE OF PAVED ROAD	■ [G.B.] GRANITE BOUND TO BE SET
--- BARBED-WIRE FENCE	○ [S] SEWER MAN-HOLE
--- MAN-MADE DRAIN BASIN	○ [W] WATER SHUT-OFF VALVE
--- 10' CONTOUR INTERVAL	○ [U] UTILITY POLE AND GUY WIRE
--- 2' CONTOUR INTERVAL	▭ [B] EXISTING BUILDING
— OH — OVERHEAD UTILITIES	▭ [16-1] EXISTING TAX MAP AND LOT NUMBER
— WATER LINE	

11-5-C
WESTCHESTER HEIGHTS CONDOMINIUMS
C/O CITYSIDE MANAGEMENT
186 GRANITE STREET, SUITE 301
MANCHESTER, NH 03101

15-1
BUCKWHEAT PARTNERS, LLC
320 MILE SLIP ROAD
MILFORD, NH 03055

MINOR SITE PLAN
TAX MAP 16 LOT 1 - 371 ELM STREET
MILFORD, NEW HAMPSHIRE

PREPARED FOR - 371 ELM STREET, LLC -
110 MAPLE LN, NORTHBOROUGH, MA

THIS PLAN WAS PREPARED TO THE BEST ACCURACY POSSIBLE BY DOWNEAST RESIDENTIAL, LLC - 23 MIDDLE ST. NEWBURYPORT, MA ON THIS DAY OF DECEMBER 21ST, 2022.

THIS MINOR SITE PLAN REVIEW PLAN WAS COMILED USING INFORMATION FROM THE RECORDED SUBDIVISION PLAN RECORDED AT THE REGISTRY OF DEEDS DATED MAY 15TH 2015 FIELDSTONE LAND CONSULTANTS DID NOT PREPARE THIS MINOR SITE PLAN REVIEW PLAN.

THIS PLAN WAS PREPARED TO SHOW THE EXISTING CONDITIONS, AS WELL AS MINOR ON SITE IMPROVEMENTS/ALTERATIONS TO CONVERT THE EXISTING 12 UNIT MOTEL, INTO A 12 UNIT STUDIO APARTMENT BUILDING



12/19/2022

Lincoln Daley

Director of Community Development

Town of Milford, NH

1 Union Square, Milford, NH 03055

603-249-0620

Dear Mr. Daley,

We are requesting a waiver from section 6.05.4 to keep the existing parking spaces from the building being converted. Although motels are not an allowed use, a multifamily use would require two spots per unit and we can provide one spot per unit, plus one guest spot. These are small studio units, so the change of use would not increase the occupancy more than the current existing use. After discussion with the zoning board, we realized a desire from the town and neighbors was to also decrease pavement on site, which is why we are removing pavement in exchange for grass.

We are also requesting a waiver from section 6.08.5 A&B and section 6.08.6 requiring landscape buffers along the periphery of the property. This property is unique as we have drainage along the left and rear side as well as existing buggers from corn to the rear. The existing parking lot is at the front of the site right now and there is not enough room for site lines for traffic flow if ground level vegetation is added along the frontage. Vegetation would cause traffic safety issue from a site line standpoint. One large "street tree" has been added to the front, and will have an elevated canopy that would not impede on site lines.

Lastly, we are requesting a waiver of section 6.08.6 which requires vegetation along the frontage of the existing building, the way the parking currently exists, there is no room for these planting areas, as the parking extends right up to a front covered porch. Vegetation would not survive or work in between parking areas.

Sincerely,

Damon Amato, manager

A handwritten signature in black ink, appearing to read "D. Amato".

371 Elm st LLC