



## **STAFF MEMORANDUM**

**Date:** December 15, 2023

**To:** Planning Board

**From:** Terrence Dolan, Community Development Director & Acting Town Planner

**Subject:** **Design Review Request for proposed 30 Mill Street Apartment Building (34 Multi-Family Units), (Case SP#2023-06-Design Review Phase), Tax Map 25 Lot 95**

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### **Introduction:**

The applicant has requested that the Planning Board commence with a *Design Review* discussion and exchange for the purpose of providing feedback to the applicant for the proposal of a single building, with a total of 34 multi-family units on three proposed living floors, located at 30 Mill Street.

The overall site is 9.877 acres, with the more northerly portion of the lot (along its Mill Street frontage) being zoned as Commercial (“C”), equaling 2.57 acres of the overall site; and the more southerly 7.3 acres portion of the lot being zoned as Residence “A”.

No development is proposed within the larger Residence “A” portion of the site, as the majority of this area is deemed to be jurisdictional wetlands, with some fragmented upland areas.

The Commercial “C” portion is primarily uplands, with some portion of this area having been previously disturbed and filled land, (reportedly several decades ago-TBD). A smaller area of wetlands exists within the northeasterly portion of the “C” zoned portion of the site, but no work is proposed within either the onsite wetlands nor the required wetland buffer zone.

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**Provided is the Town of Milford’s Development Regulations’ Section that describes what entails a Design Review Phase:**

### **4.03 DESIGN REVIEW (Town of Milford Development Regulations)**

A more detailed review of an application can be made at the design review phase. More specific design and engineering details are discussed at this stage. The Planning Board may review the basic concept of the application and provide suggestions, which might be of assistance in resolving problems with meeting requirements during formal consideration.

The Planning Board may make decisions on the granting of waivers and shall determine the allowed density for future Open Space Conservation Development (OSCD) subdivision final applications. (See also Sections 5.020 WAIVER APPLICATIONS and 5.08 OPEN SPACE CONSERVATION DEVELOPMENTS)

The Planning Board may require outside or interdepartmental review of engineering or impact studies requested at this stage. If outside review is required by the Board all costs are to be borne by the applicant. Design review discussions may be non-binding for the applicant and the Planning Board. However, any formal motions and decisions voted on are binding for the applicant and the Planning Board.

In order to facilitate discussion, the applicant is requested to submit:

A. A plan, drawn to scale, of the site to be developed or property to be subdivided, which meets the minimum submittal requirements of the minor site plan or minor subdivision application

B. A brief written description of the development plan

C. Preliminary Engineering Design review requires abutters be notified by registered mail per RSA 676:4, as amended. The Planning Board may require the applicant to submit an architectural elevation of the project, which complies with Section 6.04 ARCHITECTURAL DESIGN. The Planning Board shall make an official motion to end the design review process and shall notify the applicant in writing of the date the design review process is completed.

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• **Density Calculations:**

The applicant has provided an exhibit to demonstrate how they arrived at the proposed overall density for the property.

By Ordinance, (within the Commercial Zoning District), a maximum of 5 multi-family units are allowed per acre. However, multi-family units are prohibited within the Residence “A” Zoning District.

A Zoning Board of Adjustment *Variance Hearing* may become necessitated to approve any density allocation transfer being applied to this overall site.

For discussion purposes, the applicant has provided the Planning Board with the density calculation table exhibit that shows the (Zoning Ordinance) minimum square foot for any single-family residences within the Residence “A” District, (which requires a minimum lot size of 15,000 square feet, when provided with both central water and wastewater utilities); and how their calculation is being applied to arrive at the total amount of proposed multi-family units within the proposed apartment building.

The Planning Board should discuss this proposal for its appropriateness and usage.

Within the Board Package of supporting materials, the exhibit is provided for discussion purposes. The Planning Board is requested to provide commentary on the procedural accuracy of allocating *any* eligible density transfer from the Residence “A” site acreage, and applying it to the Commercial District portion of the site in order to support the applicant’s proposal for the 34 multi-family apartment dwelling units.

Staff shall need to reach out to legal counsel to review this proposal, to potentially verify the above-described request to transfer the Residence “A” density to the Commercial portion of the site.

• **Other Staff Comments:**

1. The applicant should demonstrate what analysis they have undertaken to provide for any pedestrian area connectivity to other existing neighborhood sidewalks.
2. *Traffic Calming Devices* (both internal and external to the project site) may be warranted for this project approval. Work in conjunction with the Milford Town Engineer will be required. This segment of Mill Street is noted for its *blind curves* and history of excessive rates of vehicle speed.
3. When the project’s Major Site Plan Application is filed, the applicant should present plans to show what recreational features are being planned for the project property. Both internal and external recreational needs and facilities should be addressed in the application, to demonstrate what is being proposed offered. As of now, the applicant has indicated that 86% of the overall site acreage is being left in *Open Space*.
4. Recognizing the architectural rendering (provided) is “*highly conceptual*”, more detailed renderings and floor plans will need to be provided at the time of Major Site Plan Application.
5. Lastly, the applicant has acknowledged that the *proposed* overall apartment building height is 52 feet above ground. In the Commercial Zoning District, the maximum allowed height is only forty (40) feet above ground. Thus, a Variance to increase the maximum height for this proposed three-story building shall be required to be approved by the Zoning Board of Adjustment (ZBA), prior to the submission of the Major Site Plan Application.

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**(Initial) Inter-Departmental Reviews (IDR's)**

**a. Heritage Commission:**

**From:** CHRIS THOMPSON <[chris344@comcast.net](mailto:chris344@comcast.net)>  
**Sent:** Thursday, November 30, 2023 4:24 PM  
**To:** [davidpalance@comcast.net](mailto:davidpalance@comcast.net)  
**Subject:** Re: FW: 30 MS Mill Street, LLC Design Review

Hi Dave - Just off the top of my head and from here at work, the only thing that comes to mind is the fact that this entire area was known as Merrill's Mill Yard for a number of years, hence the name of the street. We have many photos that show the acres and acres of lumber piles. Would be great for the developer to attach some heritage to the name of the apartment complex. Mill Yard Apartments, or Mill Yard Acres, The Mill, or something like that.

Chris

On 11/30/2023 7:44 AM EST [davidpalance@comcast.net](mailto:davidpalance@comcast.net) wrote:

Hey Chris,

This is all preliminary and just a departmental review. We have a short deadline of next Wednesday.  
Offhand, I don't see a historical significance other than this building will be visible to the West St cemetery. Can you take a quick look and let me know where we might be able to "dig-in" if need be?  
Thank you kindly,

Dave

David Palance  
Chairman, Town of Milford Heritage Commission  
[cemeterymapping@comcast.net](mailto:cemeterymapping@comcast.net)

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**b. Water Utilities**

Hi Terrey,

At this time, the only comments are as follows for WUD:

1. There needs to be a water line ran to the property min of 6 inch, this water line has to be ran to at least to the half way point of the property, the services going to the property must be tapped off this water main.
2. There needs to be a engineering evaluation of the sewer in that area to make sure that the size lines can handle the additional flow. This needs to be done from the property all the way back to the main interceptor line that comes to the plant.
3. Needs to be a hydrant at the end of said addition of water line that is ran to the property.
4. Make sure there are sewer cleanouts on the property per Town of Milford WUD Regulations.

That is all I have this moment, until we get more detail plans.

Thank You

Jim

Jim Pouliot, Director  
Milford Water Utilities  
564 Nashua Street  
Milford, NH 03055  
(603)249-0661

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**c. Ambulance Department**

Terrey,

The only concern at this time Ambulance has with this project, and not the project itself, but is the roadway, specifically, the poor visibility at the corner on the east end of the property. The granite wall on the cemetery property at the curve while traveling on Mill St. could be a traffic control and potential motor vehicle crash issue.

Please reach out with questions,

Eric (Schelberg)

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END