

4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Paul Amato, Member
8 Janet Langdell, Member
9 Pete Basiliere, Alternate Member
10 Susan Robinson, Member
11 Laura Dudziak, Selectmen's Rep.
12

Staff:

Lincoln Daley, Com Dev Director
Darlene Bouffard, Recording Secretary

13
14
15 **MEETING PREAMBLE DURING COVID-19 EMERGENCY**

16 *Good Evening, as Chairman of the Planning Board, I am declaring that an emergency exists and I am*
17 *invoking the provisions of RSA 91-A:2, III (b). Federal, State, and Local officials have determined that*
18 *gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to*
19 *combat the spear of COVID-19. In concurring with their determination, I also find that this meeting is*
20 *imperative to the continued operation of Town government and services, which are vital to public safety*
21 *and confidence during this emergency. As such, this meeting will be conducted without a quorum of this*
22 *body physically present in the same location.*

23 *At this time, I also welcome members of the public accessing this meeting remotely. Even though this*
24 *meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct*
25 *and decorum apply.*

26 *Public comments will be limited to three minutes per person. Any person found to be disrupting this*
27 *meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that*
28 *person will be removed from this meeting.*

29 *Please note that all votes that are taken during this meeting must and will be done by Roll Call Vote.*
30 *Let's start the meeting by taking a Roll Call attendance. When each member states their name, also*
31 *please state whether there is anyone in the room with you during this meeting, which is required under*
32 *the Right-to-Know Law.*
33

34 Members and staff were polled individually: T. Finan was in his office alone; J. Langdell at her home in the
35 room alone; P. Amato was at his home in the room alone; P. Basiliere was at his home in the room alone; S.
36 Robinson was at her home in the room alone; L. Dudziak was alone in her office; D. Knott was in his office
37 alone.
38

39 **1. Call to order:**

40 Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight there is one application to be
41 heard followed by the first public review of the proposed Zoning Amendments.
42

43 **2. Public Hearing(s):**

- 44
45 **a. The Art of Learning Child Development Program / Kailey Bento – Minor Site Plan Application for**
46 **a change of use to convert a portion of the single-family residence and outdoor area into a daycare**
47 **operation serving a maximum of 12 children. The parcel is located at 100 Elm Street, Tax Map 20,**
48 **Lot 51 in the Commercial "C" Zoning District.**
49

50 S. Robinson moved to accept the application for review. P. Amato seconded. A poll was taken: P.
51 Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes; S. Robinson yes; D. Knott yes. P. Amato
52 moved no potential regional impact. J. Langdell seconded. P. Amato yes; P. Basiliere yes; J. Langdell
53 yes, T. Finan yes; S. Robinson yes; D. Knott yes.
54

55 Kailey Bento, owner and applicant, will present the application. D. Knott asked her to explain what she
56 would like to do and anything that might help the Board to understand the proposal. K. Bento explained
57 this is a less than a 500 sf addition and the back yard was recently finished to accommodate children.
58 There are two driveways that serve this property, one driveway is used by her and eventually there could
59 be employee parking, and the other driveway would be for child drop off. The childcare will serve six
60 children to start. The driveway drop off will be coordinated so that there is no backing up onto Elm Street
61 and drop offs will be staggered. This should not interfere with any businesses in the area, Kailey is going
62 through the State licensing process and the Fire Department is involved for the occupancy. P. Amato said
63 it looks like a good plan, the neighbors look like they are close, are they rental or owner occupied?
64 Kailey explained one abutter is a home business, owner occupied and the other has two rental units. P.
65 Amato asked if the abutters have any issues with this plan. Kailey has talked to both abutters and they are
66 aware and have no concerns, they both donated materials to her for the childcare.
67

68 S. Robinson asked if the vehicle turnaround will be in front of the porch? K. Bento said that after winter,
69 she will either pave it or add gravel to allow for vehicle turn around or a drive through over to the other
70 driveway. S. Robinson asked is there is sufficient room to prevent backing up on the town road? K.
71 Bento said yes there is sufficient room. P. Amato asked if this affects the green space? L. Daley said
72 there is more green space in the back so she is all set there. J. Langdell said she will have 30% green
73 space, but this is also in the Elm Street corridor. If vehicles will go across one drive to the other, will
74 there need to be removal of some of the green out back? K. Bento said she did not believe so.
75

76 D. Knott asked about the boundary of the property and the right of way/sidewalk. L. Daley said we will
77 need to design the edge of the property line, and asked if there is a possibility of using the neighboring
78 driveway to allow for drop offs and turn arounds? J. Langdell said when the music business has classes,
79 the driveway there is very full. L. Daley thanked her for that information. J. Langdell asked how wide is
80 the grassy area? L. Daley said it is about 20'. All members concurred they do not want anyone backing
81 out on to Elm Street.
82

83 K. Bento said the goal is to put gravel on the current front grassy area so that cars can back up in the
84 driveway to leave. Drop off and pick up will be a maximum of five children. She will take the kids
85 inside and cars will not be in the driveway very long. P. Amato agreed it will be safer and look better to
86 have the gravel to back up cars on instead of a drive through idea. L. Daley asked if pavers could be used
87 instead of gravel? K. Bento is talking about that and other options as well. L. Daley is just responding to
88 J. Langdell's comment about maintaining the Elm Street corridor aesthetics. D. Knott said that could cost
89 more to do than gravel. P. Amato hopes that down the road Ms. Bento could see how things go and how
90 much space it takes and change it to pavers to make it more attractive. D. Knott said the pavers will need
91 to be permeable and need to be cleaned every year and maintained. D. Knott asked if some kind of
92 plantings could be done to keep with the overlay district? K. Bento will be planting some bushes in the
93 spring. K. Bento wants to make it more attractive in the future.
94

95 J. Langdell asked for a site plan image and asked where the "drop off" of the parcel starts behind the back
96 yard. K. Bento said the drop off starts to gradually slope after the back yard play space. D. Knott asked
97 how can the area where cars will back up and park be delineated? K. Bento has worked in childcare for 2
98 years and there were areas that needed to be used for drop off or pick up. She does not think congestion
99 will be an issue. L. Daley suggested he can help with delineation. J. Langdell said childcare is a plus for
100 the community. K. Bento wants to be a safe place for families with children for childcare.
101

102 D. Knott opened the public hearing and asked if any abutters are present this evening. L. Daley said there
103 is only one person present in the waiting room. K. Bento indicated that person is her uncle who is going
104 to help her to explain things if there are questions. Seeing no abutters, D. Knott closed the public hearing.
105

106 D. Knott read the abutters list. J. Langdell asked about the surveyed plan provided this evening and asked
107 if it was modified for this application? L. Daley said that is correct, he used that existing site plan with
108 the changes that K. Bento would like to make. L. Daley agreed that we could make a note that it was a
109 site plan altered in order to use for this application. L. Daley can make notes on the existing boundary
110 plan. The Planning Board used this type of amended plan for properties in the past; it is just an existing

111 plan that he can use different colors to denote in the file what is for this site plan and show what is
112 proposed.

113
114 P. Amato moved to conditionally approve the plan and add the front gravel area for parking turn around
115 and work with the Planning Department on the turnaround area. T. Finan seconded. A poll was taken: J.
116 Langdell yes; P. Amato yes, P. Basiliere yes, S. Robinson yes; T. Finan; yes, D. Knott yes.

117
118
119 **b. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold**
120 **Public Hearings tonight and on January 19, 2020 beginning 6:30 pm via Zoom to discuss the**
121 **proposed amendments to the Town of Milford Zoning Ordinance as follows:**

- 122 - **Amend Article V, Sections 5.02.5 Yard Requirements, 5.03.6 Yard Requirements and 5.04.5**
123 **Yard Requirements by deleting Subsection C in each relative to accessory structures in the**
124 **Residential A, B and R Zoning Districts.**
- 125 - **Amend Article VII, Supplementary Standards by inserting new Section 7.15 Mobile Food**
126 **Vendors to regulate and accommodate mobile food vendors in appropriate locations.**

127
128 Mobile Food Vendors: L. Daley explained that this review is the first public hearing for 2021 Zoning
129 Amendments. The mobile food vendors amendment, for which we have had two vendors that are moving
130 into actual spaces in the community. This amendment is to accommodate food vendors within different
131 zoning districts. This would create 9 criteria for food vendors to satisfy, if they fall outside of those it
132 would require a site plan, otherwise it would get an administrative approval. As far as outdoor seating
133 provisions, they cannot impact the number of parking spaces that may exist for the proposed use of the
134 property. P. Amato asked what is the difference between food vendors and food trucks, we should call it
135 one or the other. J. Langdell said that was her comment as well. There are 3 or 4 places to change it to be
136 consistent. P. Amato thinks it is better than what was previously presented.

137
138 D. Knott opened the public hearing. L. Daley said there were no hands raised in the waiting room. D.
139 Knott closed the public hearing. J. Langdell asked why is this not allowed in the Industrial zone? P.
140 Amato does not think they should be in the Industrial zone. J. Langdell said it should be clarified in the
141 definitions that a food vendor is stationary. P. Amato asked if this affects the “canteen trucks” that travel
142 from business to business? D. Knott asked if the Board can just state that it excludes the mobile canteen
143 trucks that travel from site to site? P. Amato said the canteen trucks do not stay in one place very long.
144 L. Daley said this shall exclude the mobile food canteen trucks that travel from site to site.

145
146 L. Daley explained that Taco Time was a mobile food vendor that was on the bowling alley property, and
147 took up some parking spaces and it needed a number of spaces for that use, you do not want to use the
148 spaces meant for the primary use of the parcel. P. Basiliere asked how that is determined? L. Daley said
149 in some instances the plan has a certain number of parking spaces, but we need to make sure that the
150 Planning Board keeps enough parking to satisfy both uses, the primary and the food vendor. The existing
151 site plan would be what the Planning Board would focus on and the additional use might have to provide
152 additional parking elsewhere. P. Basiliere asked if the language should state that? L. Daley believes it
153 does specify that in this ordinance. J. Langdell suggested using the language out of the most recently
154 approved site plan for the primary use. P. Amato asked if the bowling alley site is almost “pre-approved”
155 because Taco Time came in and the parking demand is much less with the current use on that site. L.
156 Daley said based on the changes you are making tonight, they need to be presented at the January 19
157 meeting and then get finalized for the warrant.

158
159 Yard Setbacks: L. Daley explained the 6’ minimum side setback is being amended to be consistent based
160 on feedback, for Residence A, B and R districts. Currently accessory structures less than 120 sf require a
161 6’ setback in one part of the ordinance, but there is already a provision with Special Exception if the
162 accessory structure encroaches into the setback; the setback for accessory structures should be 15’ for side
163 and rear setback. L. Daley wants this to be consistent in different zoning districts; this amendment is to
164 make it easier for residents and staff by being consistent. P. Amato asked if the ZBA will typically
165 approve this type of SE? L. Daley said he cannot say they would, but it is giving the abutters the
166 opportunity to speak out about an accessory structure at the neighbor’s parcel. D. Knott agrees it seems

167 this would be more restrictive. L. Daley said typically with dimensional setbacks in other communities, it
168 would require a variance, but in Milford the requirement is for a Special Exception which is much easier
169 to satisfy, this provision makes it easier than a variance for residents and allows flexibility for all
170 structures. The dimensional setbacks are there for a purpose. There is a mechanism to allow for an
171 accessory structure to impact the setback via SE. S. Robinson asked if the new development off Amherst
172 Street (Clifford Street) will be affected by this? L. Daley said it will and there will be other developments
173 like that and this is discussed at the Planning Board level with every development. This makes the
174 ordinance consistent for all accessory structures.

175
176 J. Langdell asked if the 6' setback was from the 2011 ordinance? L. Daley said it was. J. Langdell asked
177 what was the reason it was changed back then? L. Daley said it was to allow for flexibility. J. Langdell
178 asked if a building permit is required for an accessory structure under 200 sf? L. Daley said it is not,
179 typically speaking people do not know exactly where their property line is so 15' protects the abutters and
180 adheres to the setbacks. P. Amato asked how much it costs to get a ZBA application? L. Daley
181 responded it costs \$75 plus abutters fees. D. Knott likes that we are being consistent with the other part
182 of the ordinance with this. J. Langdell said this 6' change was only in the ordinance since 2011 and
183 before that it was 15'. P. Amato does not think that is the case, he thinks it makes it more restrictive. P.
184 Basiliere said we should discourage building within 15' but enable it if it is necessary, to keep space
185 between you and your abutter and if nobody has a problem with it, they have the ability to speak out.

186
187 D. Knott thinks it is onerous to have people come to the ZBA to allow them to put a small structure on
188 their property. L. Daley said that might be a function of the Planning Board review. We have seen the
189 size of homes increase and the lots have gotten smaller. L. Daley appreciates the comments, but wants to
190 know how the Board wants to move forward with this or make changes to it. J. Langdell asked if this has
191 caused issues with the ZBA? L. Daley said it has come across a few times, it is an education on setbacks,
192 it is not a top priority, but it does come up. D. Knott opened the public hearing. L. Daley stated there
193 were no people waiting in the waiting room to speak. D. Knott closed the public hearing and suggested
194 talking about this again at the next meeting.

195
196 L. Daley will look at the old ordinances back to 2011 when the 6' change was made, for a discussion
197 point at the next meeting. P. Amato moved to continue this discussion to January 19, 2021. T. Finan
198 seconded. A poll was taken: S. Robinson yes; P. Amato yes; J. Langdell yes; P. Basiliere yes; T. Finan
199 yes; D. Knott yes.

- 200
201 **3. Other Business:**
202
203 **4. Approval of Minutes:** There were no minutes presented this evening.
204 **5. Adjournment.** The meeting was adjourned at 8:04 p.m. on a motion made by P. Basiliere and seconded by
205 S. Robinson. A poll was taken: P. Amato, yes; T. Finan, yes; P. Basiliere, yes; J. Langdell, yes; S. Robinson,
206 yes; D. Knott, yes. Motion passed 6/0. The next Planning Board meeting is January 19, 2021.

207
208
209
210 _____ Date: _____
211 Signature of the Chairperson/Vice-Chairperson:

212
213 **MINUTES OF THE 1/5/21 MEETING WERE APPROVED**
214 _____