



TOWN OF MILFORD, NEW HAMPSHIRE
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

STAFF MEMO

Date: December 16, 2021
To: Town of Milford Planning Board
From: Jason Cleghorn, Town Planner
Subject: **SP2021-23 Benson Gathering Space, 263 Union Square Unit 2, Map 25, Lot 44.** Public Hearing for a minor site plan application for review of a change of use within the Commercial zoning district and Oval Subdistrict from traditional retail uses to an assembly usage for a private gathering space/club.

BACKGROUND:

The applicant is requesting review and approval of a minor site plan for internal revisions to the vacant tenancy at 263 Union Square, Unit 2, and part of the Stickney Building. The reason for the application is to provide the Planning Board and opportunity to review and comment on changes of use within commercially zoned properties. Historic uses at this specific tenancy have been retail oriented and the applicant plans to use the space as a private club/gathering space (assembly).

LOT AREA:

Lot 25-44: ±.07 acres

NOTICES:

Notices were sent to all property abutters on December 8, 2021. No responses or inquiries have been made by either abutters or the general public.

ZONING DISTRICT/INFORMATION:

The subject property is within the Commercial "C" Zoning District: The intent of the Commercial "C" District is to provide areas for those businesses, institutional, financial, governmental and compatible residential uses which constitute the commercial requirements of the Town.

The property also falls within the Nashua and Elm Street Corridor District as well as the Oval Subdistrict.

EXISTING CONDITIONS:

The parcel is directly abutted by commercial uses to the east and west, to the north are the Oval itself and the bandstand and to the south by the parking lot for the TD Bank and other oval properties.

PROPERTY HISTORY:

2007 Retail Print Shop
2008 Household of Faith
2012 Retail Floral Boutique (town permitted bottled wine sales)
2013 Retail Skincare studio
2014 Retail Pastiche Boutique

LANDSCAPING:

N/A

PARKING:

Parking as well as yard and open space requirements are waived by the Zoning Ordinance within the Oval Subdistrict in § 5.05.07 and 6.05.10.

INTERDEPARTMENTAL REVIEWS: Comments and recommendations provide an overview of areas needed to be addressed at the Public Hearing or shown as part of the application:

Planning Department:

1. The project’s narrative made no mention of alcohol. Even if you’re met with the Fire Department and discussed this with them, this needs to be part of your application’s narrative.
2. Are you anticipating any external signage either on the building or the windows, etc.? If so, that needs to be a part of the SP submittal and will need to be permitted separately by a sign permit.
3. Any outside landscaping proposed, any external lighting?

Fire Department:

1. Remove or replace the large curtains in the front windows with flame resistant/fireproof fabric.
2. Remove the emergency shut off switch for an abandoned furnace.
3. Emergency Lights must be installed.
4. Fire Extinguisher must be installed.

Photos:





Proposed Benson Gathering Space is just left of Teddy's Barbershop

STAFF RECOMMENDATIONS:

The applicant should be prepared to address all of the comments raised by the Planning Board, Conservation Commission, Town Consultants, Staff, and public pertaining to the Site Plan Final Design and revise the plans/information accordingly. Staff finds that the majority of comments and recommendations by staff involve plan revisions that could be managed administratively prior to Board signature. Barring any/all input and recommendations from the Board, Staff recommends approving the application subject to the following conditions:

1. The Applicant shall submit any/all revised plans, reports, and associated information referenced in the Staff memo dated December 16, 2021 to the Community Development Office for review and approval by the Town and its agents.
2. After discussions with the Fire Department, any desire by the applicant to serve alcohol or allow alcohol to be consumed on premises will require a Liquor License with accompanying documentation provided by the Town to the New Hampshire Liquor Commission. A condition of approval should be that any alcohol involved with the space will require proper licensing.
3. Alterations to the tenancy as described by the Fire Department in their comments shall be implemented within the review of the Building Permit.



TOWN OF MILFORD RECEIVED
NOV 22 2021
PB _____ ZBA _____ Office _____

APPLICATION FOR SITE PLAN APPROVAL

SP2021-23

CONTACT INFORMATION

Property Owners(s):

Name: Jeremy Bradler
Address: 263 Union Sq Ste 2
Milford NH 03055
Telephone Number: (917) 991-5692 Fax: _____
Email Address: Jermlfree40@gmail.com

Applicant:

(if different from above)

Name: Justin Benson
Address: 29 Oak Hill Dr.
Amherst NH 02031
Telephone Number: 603 231-4831 Fax: _____
Email Address: jobahbah@gmail.com

Engineer/

Surveyor/

Architect:

Name: Alison C. Brackett, PE
Address: PO Box 821
Hollis, NH, 03049
Telephone Number: 603 305 2680 Fax: _____
Email Address: alison.brackett@gmail.com
Primary Contact Person: 603.305.2680

TYPE OF APPLICATION

(Please check all that apply)

- Discussion - Informal meeting with Planning Board.
- Minor Site Plan - Less than 600 sq. ft. of additional exterior construction.
- Major Site Plan
 - Design Review Plan
 - Final Plan
- Request for Waiver of Site Plan Review
- Request for Waiver of Specific Site Plan Requirements
- Other - (i.e. amendments and/or revisions)

SITE INFORMATION

LOCATION: Tax Map Number 25 Lot(s) 44 ZONING DISTRICT: C

ROAD FRONTAGE ON: Union Square TOTAL SITE AREA: .07

BRIEF DESCRIPTION OF PROJECT: See attached narrative

NAME OF EXISTING OR PROPOSED SITE PLAN: POC LLC.

INSTRUCTIONS FOR SUBMITTING A COMPLETE APPLICATION (Please read carefully)

For an application to be scheduled on the next available Planning Board agenda, the following items MUST be submitted to the Department of Planning & Community Development by close of business on the officially posted submittal date:

- 1. **Completed and signed SITE PLAN APPLICATION FORM and ABUTTERS LIST.**
The application will not be placed on the Planning Board agenda unless all required signatures are on the application. The owner MUST sign the application form.
- 2. **Three (3) large and one (1) 11" x 17" prints of the site plan or site plan set.**
At least one (1) plan MUST be signed by the owner. All applicable information as described on the attached SITE PLAN CHECKLIST MUST be shown on the plans. Owner's signature must be on at least one (1) plan, indicating his/her knowledge of the plan and application.
- 3. **Application fee and Abutter Mailing Fees.**
These fees will be determined at the time you turn in the application. Fees are based on square footage of new construction and number of certified mailings, which must be sent. All checks are to be made payable to the **Town of Milford**.

AUTHORIZED SIGNATURES

Owner(s): I/We, as owner(s) of the property described hereon, certify that this application is correctly completed with all required attachments and requirements in accordance with the Site Plan Regulations for the Town of Milford. I/We also authorized members of the Milford Planning Board and its agents to access the property described on this application for on-site review of the proposed site plan.

Jeremy Bradler President 7/19/21
Name (please print) and Title Date

IF APPLICABLE:

Owner(s) authorization for Applicant or Agent to represent the application:

The applicant or agent, as stated hereon, has authorization from the property owner to submit this site plan application and represent the property owner on matters relative to the Town site plan approval process.

[Signature] 7/19/21
Owner's Signature Date

Applicant's Signature:

I acknowledge, as the applicant stated hereon, that this site plan application has been completed and submitted in conformance with all applicable Town of Milford regulations, and that I am the designated representative for the property owner on matters relative to this site plan application.

[Signature] 7.19.2021
Applicant's Signature Date

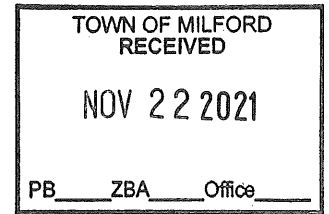
Agent's Signature (someone other than the Owner or Applicant who is representing the project):

I acknowledge, as the agent stated hereon, that this site plan application has been completed and submitted in conformance with all applicable Town of Milford regulations, and that I am the designated representative for the property owner on matters relative to this site plan application.

Agent's Signature Date

POC LLC

**Justin Benson, Owner
Created on November 9, 2021**



Executive Summary

The Space

To create a unique space for members to gather in a manner that is not currently available.

Members

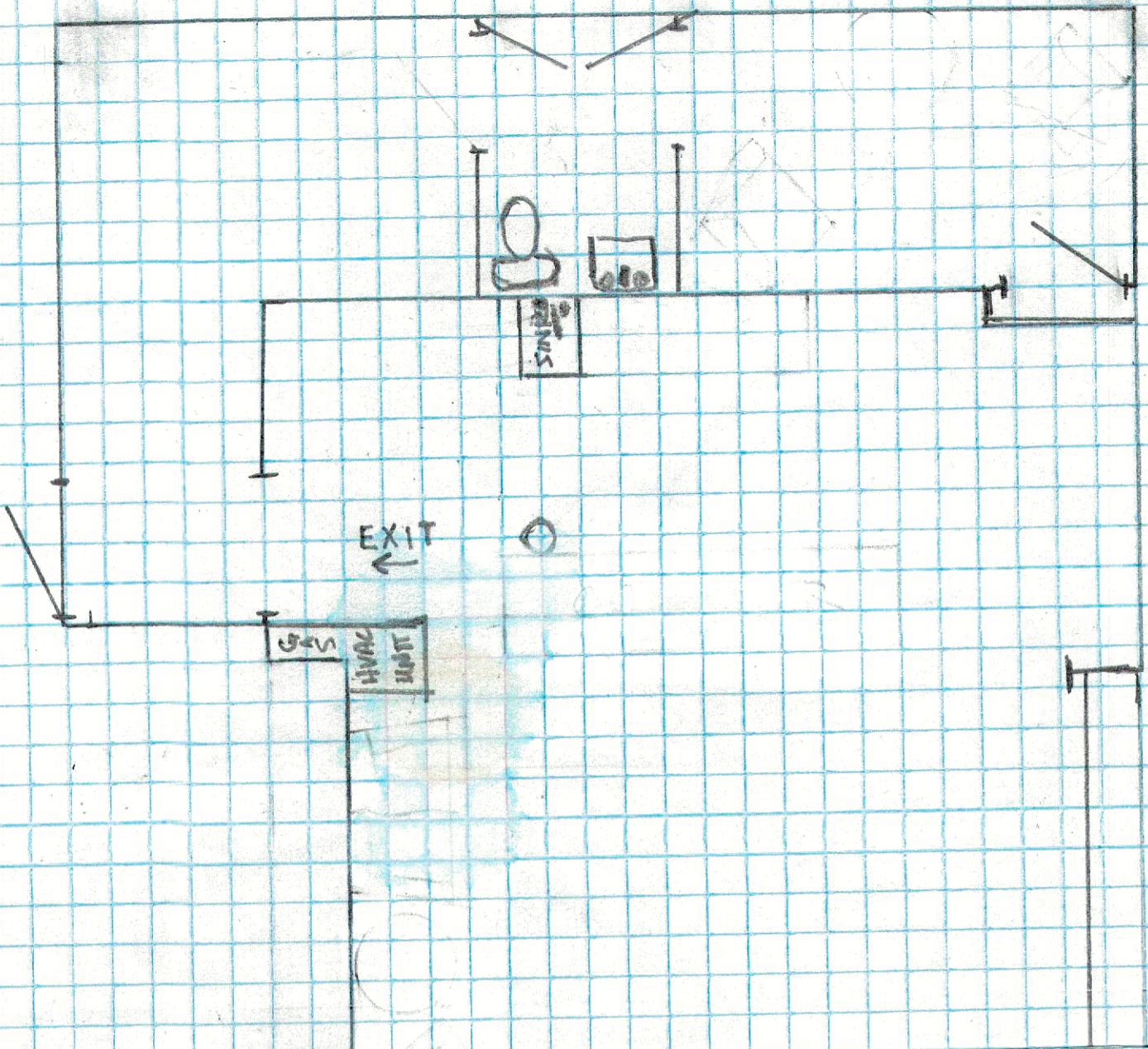
The target audience is adults, specifically local business professionals and veterans, who wish to gather in a location that is not a bar or restaurant and are given the opportunity to discuss business or personal ventures with other members.

Reason for the Space

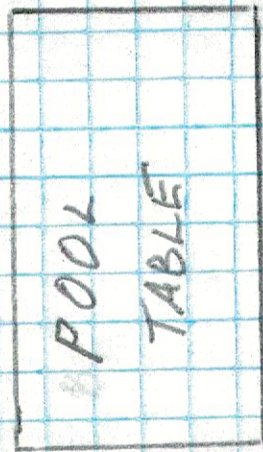
The Space is provided to paying members, selected by a Board, to gather as a non-profit group. These members have the ability to enter the Space based on their credentials provided when they join. The Space is provided as an alternative to other local gathering establishments for the members to socialize in a professional manner to discuss business or personal matters. The goal for this group is to provide anonymous donations to local charities to better our community.

The Board

The Board will consist of at least five and up to nine local business professionals that have the same goals for a space. The board will make decisions on who can join as a member based on what their background is. Board members will gather monthly to discuss all financial and logistical matters regarding the POC.

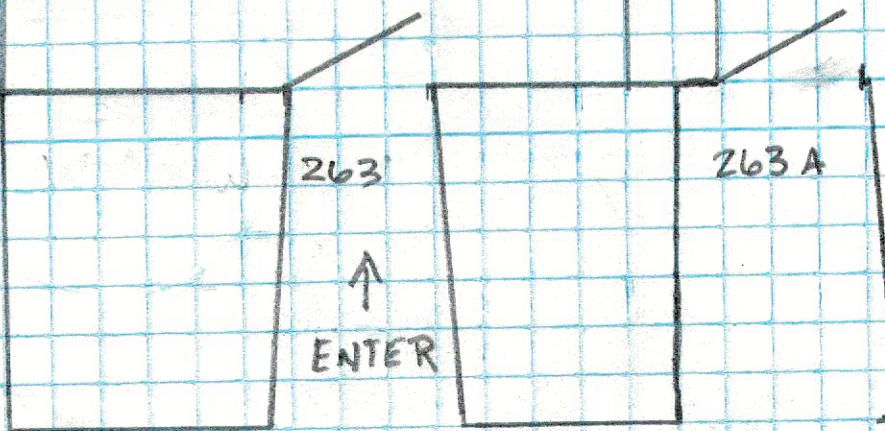
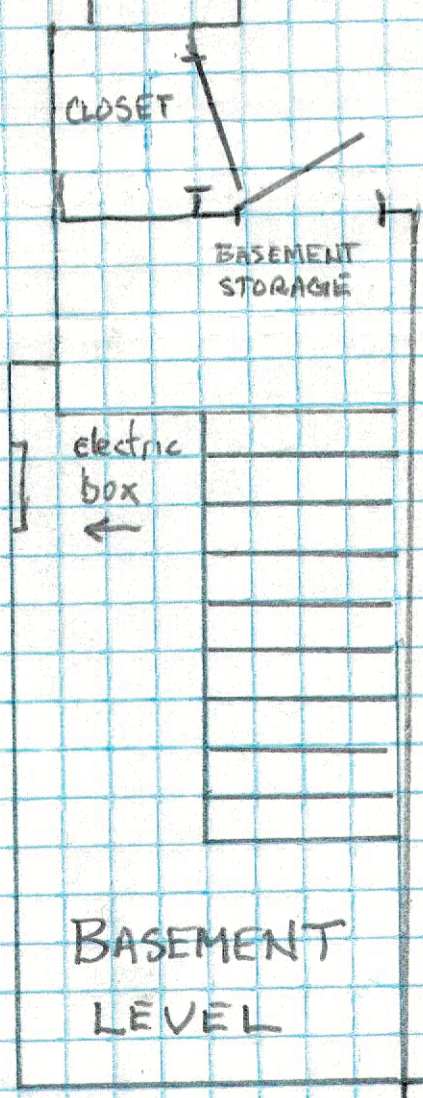


BUILT IN SHELVING



BUILT IN SHELVING AND DRAWERS

BARBERSHOP



UNION SQUARE

25/44



Fire Protection Engineers Licensed in MA, VT, NH, and ME
603.305.2680

DATE: 11 August 2021
REVIEWER: Alison C. Brackett, PE
PROJECT: **Stickney Building Tenant Space**
263 Union Square
Milford, NH

Triangle Fire Consultants (TFC) has performed a Code Review for the new owners of the existing tenant space at 263 Union Square (the subject) for its new use as a small assembly occupancy on the ground floor. Sketch-type drawings were provided, and a walk-through of the building was performed on 7/23/2021 to evaluate existing conditions. The ultimate goal of this study is to provide the new owners with guidance regarding code requirements for the proposed use.

The 2015 edition of the IEBC and the State of NH Fire Code governs the code analysis.

Code Evaluation

Details of the building:

- Construction is Type VB [V(000)]. There are three stories in the building plus a full unfinished basement level. The tenant space of consideration is a 1,500-sqft portion of the ground floor. No other changes in the building were indicated by the client.
- The entire building is mixed-use, unseparated with business, and now assembly, uses present.
- Proposed use for the new tenant space implies a classification of assembly with accessory uses (office/bathroom), which is a change of use from the existing mercantile occupancy classification. IBC use classification could be either A-2 (restaurant/bar) or A-3 (community hall/billiard hall) depending on the intended use of the space. A-2 occupancies are characterized by low lighting levels and above-normal sound levels from music as well as "service facilities or alcoholic beverages and food"; as such, A-2 occupancies are provided with increased protection levels by the governing codes, such as automatic sprinkler protection.
- Assembly use occupant loads are based on net space available for gathering, and are distinguished between seating at tables (15 sqft/person) or in chairs (7-sqft/person). Areas with fixed or difficult to move furniture are subtracted from the overall area to determine the net area for this calculation. We find that the design occupant load of the space is approx. 75 people based on this calculation.
- The client has stated that the proposed use will be for private gatherings only; however, the Code does not distinguish between private and public assembly uses.
- A fire alarm system is not required by the proposed use.
- The International Existing Building Code will govern the requirements of the change of use (with reference to the IBC), along with the NH Fire Code.

Requirements of the State Building and Fire Codes for assembly use:

1. A change of occupancy to A-2 would trigger a requirement for automatic sprinkler protection for the tenant space. Therefore, in order to avoid a sprinkler requirement, the Authority Having Jurisdiction (AHJ) must agree that the use of the space most closely resembles A-3, and not A-2. According to the IBC, Group A-3 occupancies include community halls, lecture halls, pool/billiard parlors, etc.
 - a. The tenant space can never have fixed facilities for preparing food or providing alcoholic beverages.
 - b. You must provide regular lighting levels throughout the tenant space. No dimmable lighting will be accepted.
 - c. Live music will never be permitted. No areas for dancing shall be provided; i.e., furniture (tables, couches, etc. shall be arranged such that large open areas are not created.
 - d. Occupant loads will likely be limited to the satisfaction of the AHJ.

I believe that they are currently calling your use A-2; therefore, you will need to convince them that your occupancy meets the definition of A-3 instead, by taking the steps listed above. Ultimately, you may need to apply for a permit as a private billiard parlor, which falls under A-3 as a specific example of that kind of occupancy in the IBC.

A less desirable alternative could be to partition off the space so that the gathering area is sized such that it results in a design occupant load of less than 50, making it a business or mercantile occupancy. Please let me know if you would like to see the design for this option.

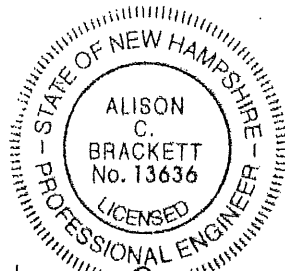
2. Exit doors from the tenant space:
 - a. Must swing in the direction of egress. Existing doors currently swing in and must be changed to swing out. [NFPA 101: 7.2.1.4.2]
 - b. If fitted with locking devices, all exit doors must be fitted with panic hardware due to the occupant load being over 50 persons. [IBC 1010.1.10]
 - c. Must be a minimum of 32-inches wide.
 - d. Must both be operational. A minimum of two means of egress are required.
3. Emergency lighting shall be provided [101: 12.2.9]. Emergency lighting is required to light the paths to exits; therefore, it is not required in all spaces.
 - a. Battery-powered devices are available for this use. If an emergency generator is used for power, a delay of not more than 10-seconds is permitted.
 - b. Back-up power for the emergency lights shall last 1 ½ hours minimum.
 - c. Emergency lighting should activate in the event of power failure (public utility) or circuit breaker/fuse activation.
 - d. An average illumination level of not less than 1-ft/candle shall be provided.
4. Exits shall be marked with lit exit signs. It is acceptable to combine exit signs with emergency lights in order to decrease the total number of devices you need to buy/install. [NFPA 101: 12.2.10]
5. Interior finishes and furnishings are regulated in assembly occupancies to limit the spread of fire. [NFPA 101: 12.3.3]
 - a. Wall and ceiling finishes must have a Class A, Class B, or Class C rating.
 - b. Projection screens, when used, must also have a Class A or Class B rating.
 - c. Fabrics (such as those hanging in the current entry for the space) must either meet the flame propagation criteria of NFPA 701 or be removed.
 - d. No Christmas tree decorations or other combustible vegetation are permitted. The AHJ will likely also prohibit any open flames/candles within your tenant space due to its propose use.

6. Fire extinguishers are required. The standard that governs the selection and placement of these is NFPA 10, which also requires that the extinguishers be serviced on an annual basis by a certified contractor.
 - a. All extinguishers shall be placed in a visible and easy-to-reach location with the labels facing out.
 - b. Fire extinguishers shall be located along normal paths of travel. It's often best to locate a fire extinguisher near an exit.
 - c. Fire extinguishers should be mounted on the wall, with a clearance of at least 4-inches off of the floor.
 - d. The type of extinguisher most appropriate for this building is ABC dry chemical. A fire extinguisher of 2A:10BC size (5-lbs) is the minimum required. One by the front door and one by the rear door would satisfy the requirement.

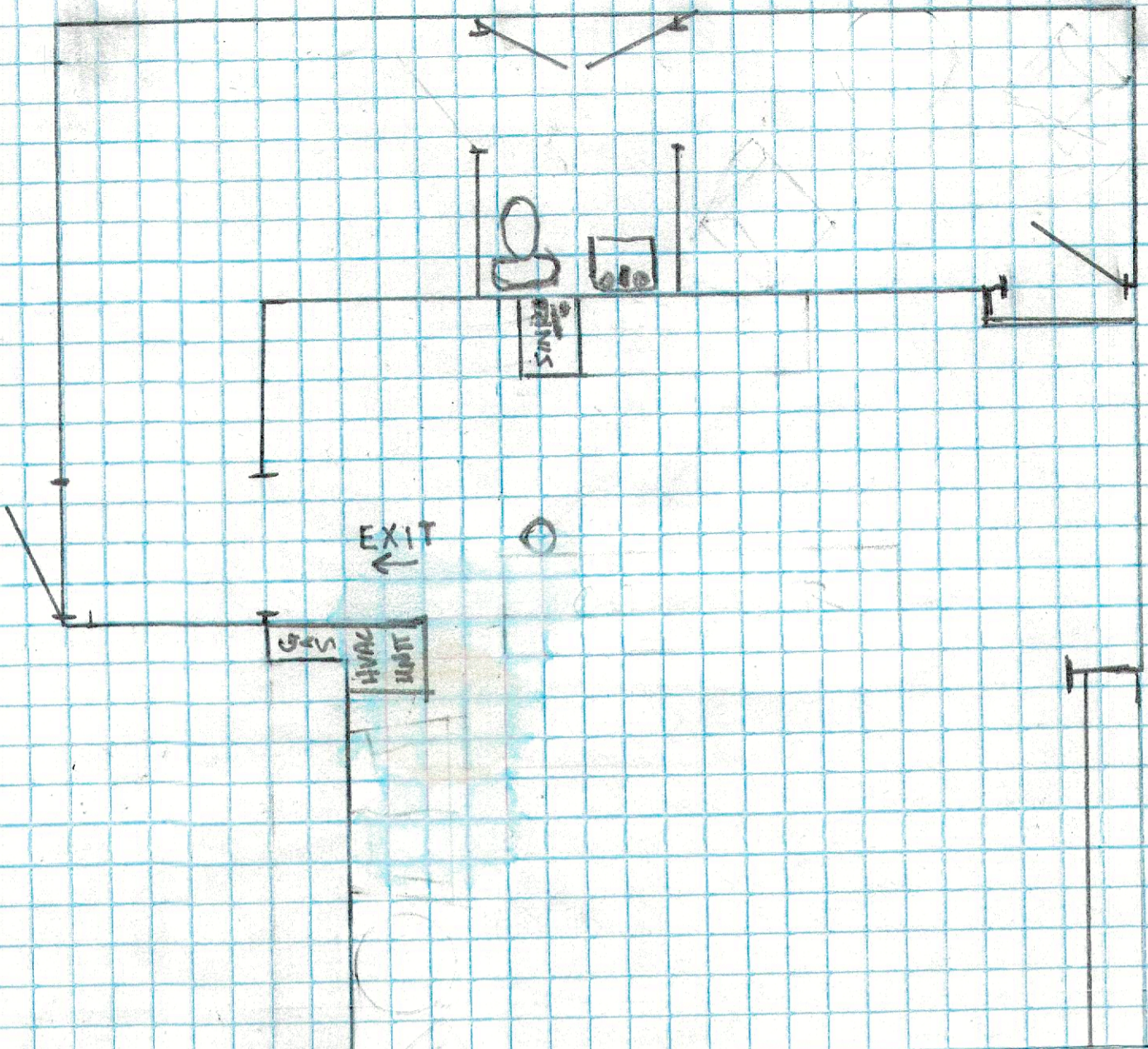
This concludes our review for this building. Please let me know if you have any questions.

Kind regards,

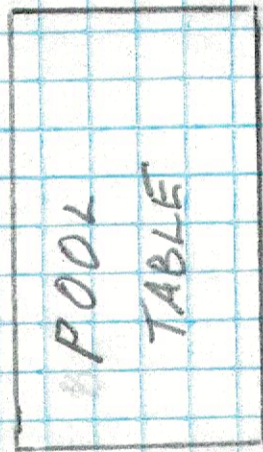
Alison C. Brackett, PE | Fire protection
Triangle Fire Consultants, LLC – Licensed in MA, NH, VT, a
Alison.brackett@gmail.com



Alison C. Brackett

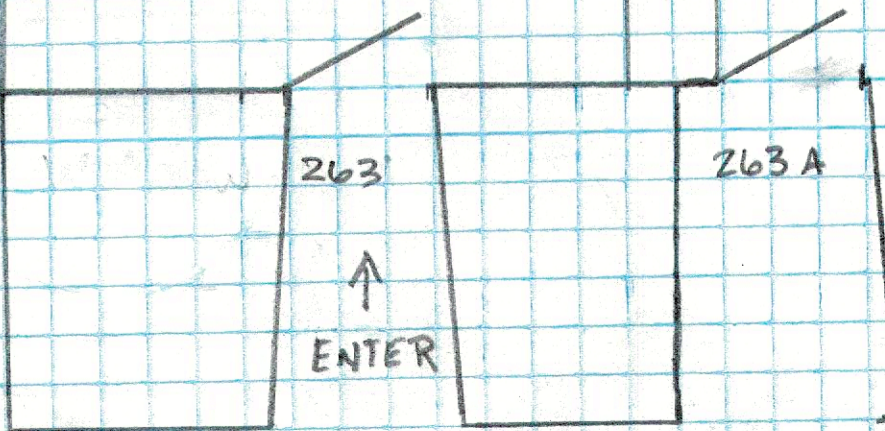
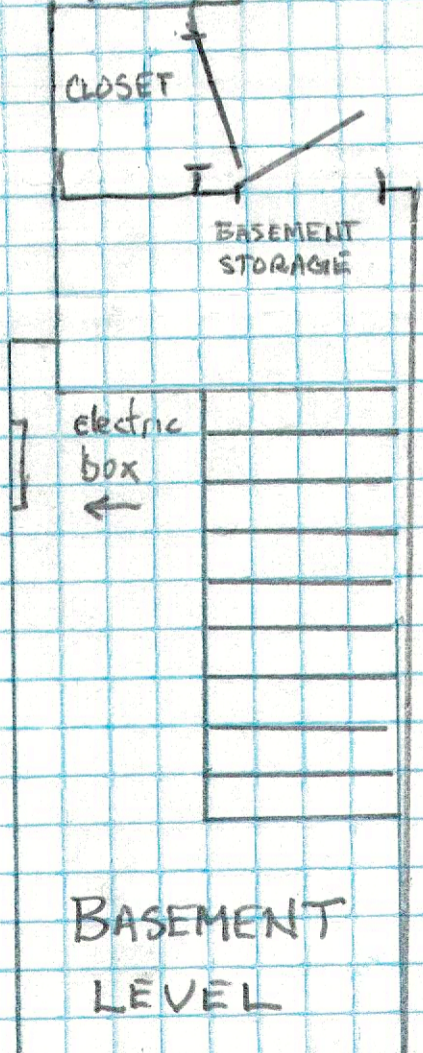


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