

TOWN OF MILFORD, NH OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

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Date: December 19, 2022

To: Planning Board

From: Lincoln Daley, Community Development Director

Subject: Case 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.

BACKGROUND/PROPOSAL:

The applicant is before the Planning Board for a minor site plan application for a change of use from a motel to a 12 unit, multi-family apartment building and minor site improvements. This will be the first public hearing for the project. Pursuant to the Milford Development Regulations, a conversion to a multi-family requires a site plan application to the Board. Attached please find the site plan and waiver request narrative. The site will mainly remain unchanged with the exception of the removal of a portion of the driveway entrance, repainting of the parking space stripes, and installation of a one tree.

Originally constructed in 1930, the motel use has been in existence for many decades in various stages/types of occupancy. Occupants have used the motel for longer term living situations. Unfortunately, there has been an observed gradual deterioration to the building and property over time. In 2021, the owner purchased the property with the goal of improving the conditions of the property. Over the past year, the owner has focused on the renovating the existing 12 units for a multi-family use. In addition, the property owner replaced the roof and is currently completing various building improvements in compliance with building and safety codes.

In September of 2022, the applicant received two variances. The first variance established the change of use and allowed the conversion of the existing motel use to a multi-family use (apartments). This decision included a condition whereby if the total number of units for the multi-family use exceed ten (10) units, the additional units would be required to comply with the NH Workforce Housing regulations for a period of 5 years. See ZBA Case #2022-22. The second variance permitted a maximum density of 12 units for the multi-family use. See ZBA Case #2022-22.

EXISTING USE/CONDITIONS:

Tax Map 16, Lot 1 consists of approximately 64 acre (27,878 sq. ft.) with 183 linear feet of frontage on Elm Street and contains an existing pre-existing, non-conforming, 12-unit motel, associated parking (13 spaces), and utilities.

The subject property falls within the Integrated Commercial Industrial Zoning District and West Elm Overlay District. It is situated among a mix of residential, commercial, agricultural, and industrial uses. To the north, the subject property abuts an active agricultural use (crops fields). To the east, lies a single-family residence, Hayward's Trading Post, Agway, and additional agricultural fields. To the south across Elm Street, the property lies in proximity to Westchester Heights condominiums, Elite Hydraulics, Amherst Label Company, and United Ag and Turf.

LOT AREA:

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

APPLICATION STATUS:

The application is complete and ready to be accepted.

NOTICES:

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 6.08.5.A and B and Section 6.08.6 from requiring landscape buffers on/along the periphery of the property.
- 3. Waiver of Development Regulations, Section 6.08.6 from requiring landscaping along the frontage of the existing building.

See attached Waiver Request narrative.

ZONING DISTRICTS:

The proposed parcel lies within the Integrated Commercial – Industrial "ICI" zoning district. The intent of the Integrated Commercial-Industrial District is to provide an area for sales and service activities, both wholesale and retail, as well as industrial activities. This District is intended to be the area in which vehicular oriented business can occur. The proposed subdivided property meets the 20,000 square foot minimum size for lots serviced by municipal water and sewer and contains at least 150 linear feet of frontage on Elm Street. A multi-family is not a permitted use in the ICI zoning district. As stated above the applicant received the required relief to permit the proposed multi-family use and density of 12 units.

The property also falls within the West Elm Street Gateway Overlay District. The intent of this District is to encourage economic development in the West Elm Street Gateway District by enhancing, preserving and protecting the natural, historic and cultural resources of the Town. The purpose of this Ordinance is to implement the Town of Milford's vision for the future as set forth in the Community Character Chapter of the Master Plan 2007 Update: Goal No. 2: Foster the traditional character of Milford's neighborhoods by encouraging a human scale of development that is similar in setbacks, size and height, and that is comfortable and safe for pedestrians and non-motorized vehicles while allowing for an efficient and safe roadway network.

The property falls inside of the level 1 groundwater protection district.

TRAFFIC AND ACCESS MANAGEMENT:

Access and egress from the multi-family will be from the existing driveway curb cut on Elm Street. The driveway egress design allows for both east and west movement and single lane access into the property. The applicant is proposing to remove a small portion of the imperious pavement on the southeast portion of the property and abutting property and replace it with a grass area. The applicant states that the grass area will be lower than remaining pavement to manage stormwater from the site.

PARKING:

The project proposes to maintain the existing 13 spaces that serve the motel use. The spaces have been redrawn to meet the minimum 9'x18' area requirement. Per Section 6.05.4 of the Milford Development Regulations, each 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.

DRAINAGE/STORMWATER MANAGEMENT:

Minimal site alterations are being proposed. The applicant is proposing to remove a small portion of the imperious pavement on the southeast portion of the property and abutting property and replace it with a grass area. The applicant states that the grass area will be lower than remaining pavement to manage stormwater from the site.

UTILITES:

The proposed multi-family use will utilize town water and sewer. The change of use may require upgrades or replacement of the utilities serving the property and would be determined by the Water and Sewer Department for appropriate sizing.

INTERDEPARTMENTAL REVIEWS:

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 13 spaces.
 - If the Board supports the waiver request allowing the 13 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 13 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.

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. Staff recommends conditional approval of the minor site plan incorporating staff comments 2-6 into the decision and granting of the waivers.

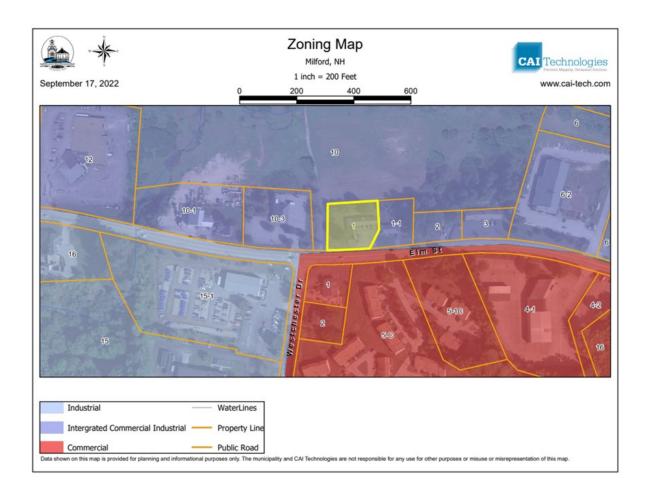
Aerial Photograph(s) of Subject Property:











Street View(s) of Subject Property:

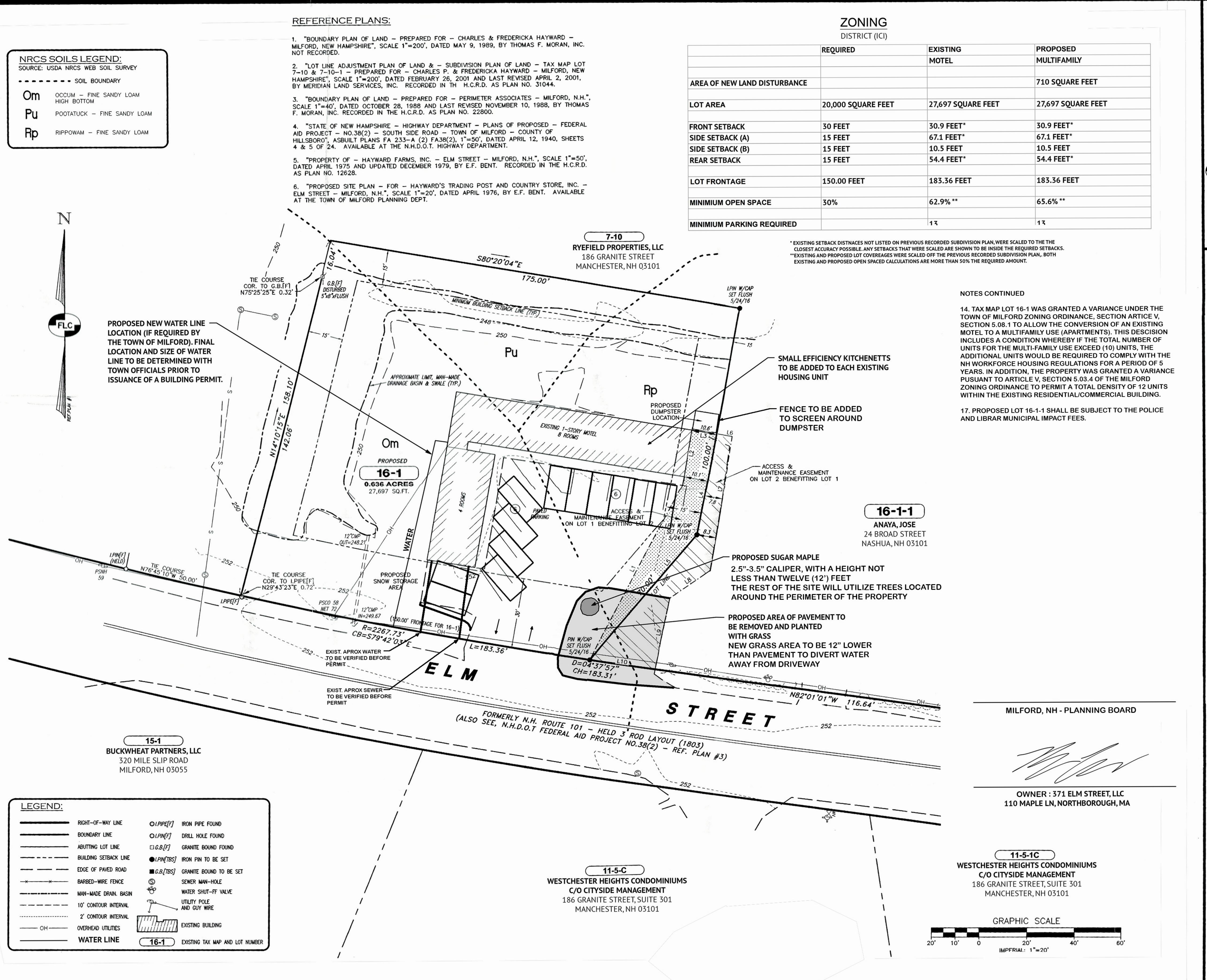


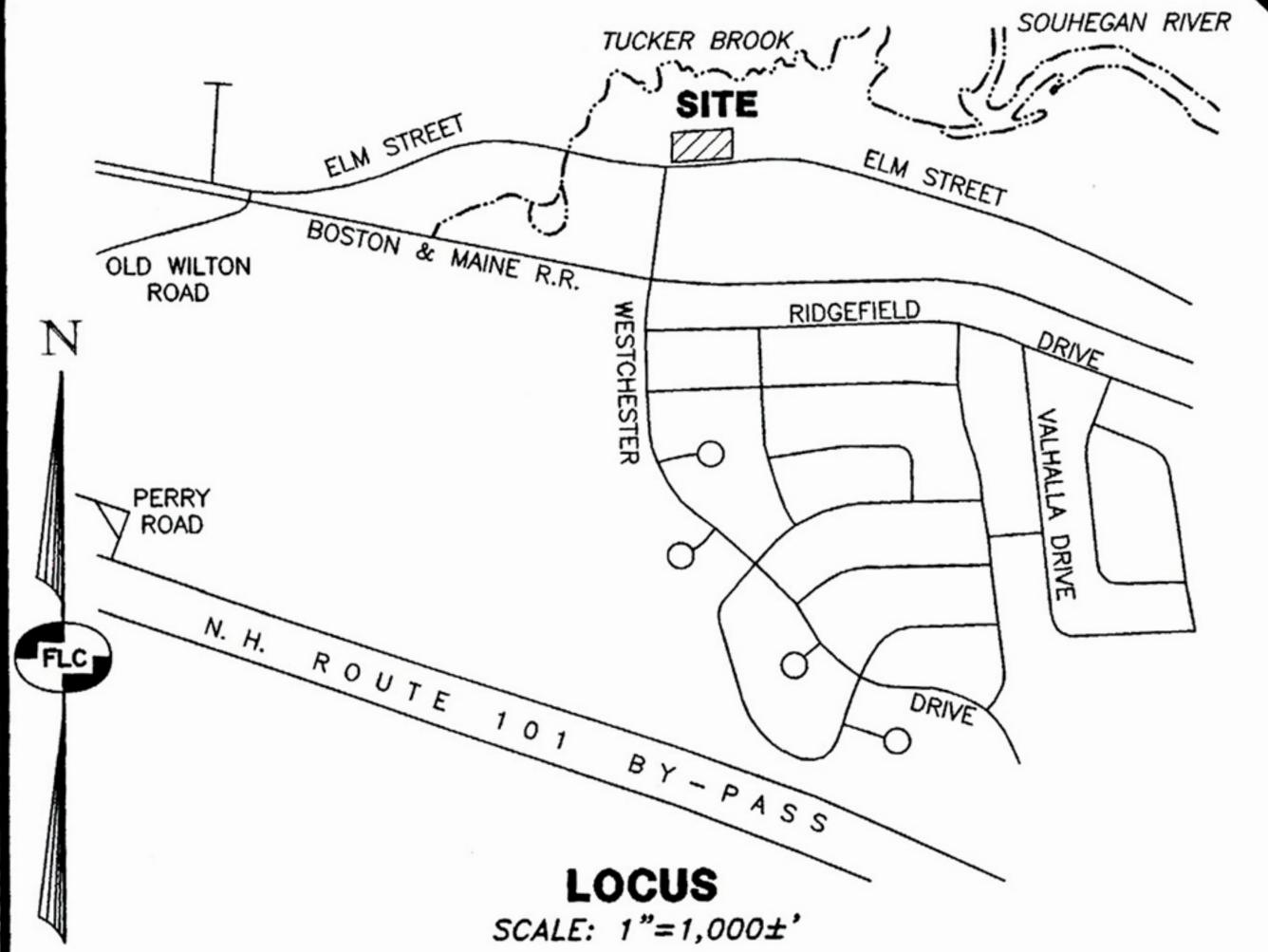












1. THE OWNER OF RECORD FOR LOT 16-1 IN AMERICO TRADE, LLC, P.O. BOX 405, AMHERST, NH 03031. DEED REFERENCE TO THE PARCEL IS BOOK 9493, PAGE 170 IN THE

2. THE PURPOSE OF THIS PLAN IS TO SHOW A MINOR SITE PLAN TO CHANGE/CONVERT THE EXISTING MOTEL USE INTO 12 SINGLE BEDROOM

APARTMENTS.

3. 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

4. THE PROPERTY IS LOCATED WITHIN THE INTEGRATED COMMERCIAL-INDUSTRIAL (ICI) 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 SETBAKC. NO

WETLANDS WERE OBSERVED DURING THE FIELD SURVEY.

6. EXISTING LOT 16-1 SERVICED BY MUNICIPAL SEWERAGE AND WATER SYSTEMS WITH OVERHEAD UTILITIES.

7. 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 6/1/16 AND RECORDED AT THE HCRD #38948.

9. THE SITE IS LOCATED WITHIN LEVEL 1 AREA OF THE GROUNDWATER PROTECTION DISTRICT.

10. THE SITE IS LOCATED WITHIN THE LIMITS OF THE WEST ELM STREET GATEWAY

11. 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 (NAVD88) WAS DETERMINED UNSING THE FLOOD PROFILES PREPARED FOR TUCKER BROOK BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) SHEET 354P.

12. THERE ARE NO KNOWN RESTRICTIONS OR ENCUMBRANCES ON THE PROPERTY OTHER THAN THOSE DEPICTED HERON IF ANY.

13. 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 RGULATIONS, SECTION 6.08.6 FROM REQUIRING LANDSCAPING ALONG THE FRONTAGE OF THE EXISTING BUILDING.

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 15TH, 2022.

THIS MINOR SITE PLAN REVIEW PLAN WAS COMILED USING INFORMATION FROM THE RECODED 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

Dr A

371 Elm st LLC