



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

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MILFORD PLANNING BOARD
NOTICE OF DECISION

Petition of: 371 Elm Street, LLC, Tax Map 16, Lot 1

Project Name: SP2022-11 371 Elm Street LLC.

Location: 371 Elm Street, Tax Map 16, Lot 1

So as to: To allow a change of use from motel to a multi-family apartment building and related site improvements on the subject property located in the Integrated Commercial Industrial Zoning District and West Elm Overlay District.

The Milford Planning Board, at its meeting of January 17, 2023, and after a public hearing, completed its consideration of the application for Minor Site Plan Approval for the property located at Tax Map 16, Lot 1, 371 Elm Street.

The Board based its decision on plans, supporting oral and written information, and records provided by the Applicant, professional staff, and consultants for the Applicant, and abutters, as reflected in the minutes on file at the Milford Town Hall. This information shall be incorporated into the decision by reference.

As a result of such consideration, the Planning Board found that the application was in **Substantial Compliance** with the Milford Zoning Ordinance and Development Review Regulations, with the granting of specific Waivers. Upon a motion by J. Langdell and seconded by T. Finan, the Planning Board voted unanimously (7-0) in favor to **Grant Conditional Minor Site Plan Approval** based on the information and stated conditions incorporated hereto.

This application was filed with the Planning Board on August 30, 2022. The Applicant submitted a complete application which was noticed and reviewed in accordance with RSA 676:4 & 675:7. The Applicant has filed with the Planning Board the minimum plans and information required under the Milford Development Regulations. The initial hearing before the Planning Board took place on December 20, 2023~~2~~, and was continued to the subsequent Planning Board Meeting on January 17, 2023 when the final Decision of Record occurred.

The Minor Site Plan Application was requested by 371 Elm Street, LLC, 110 Maple Lane, Northborough, MA 01532. This application was filed with the Planning Board on August 30, 2022. The Applicant submitted a complete application which was noticed and reviewed in accordance with RSA 676:4 & 675:7. The Applicant has filed with the Planning Board the minimum plans and information required under the Milford Development Regulations.

During the review process, the Applicant and its professional consultants submitted plans along with various supplemental plan revisions and correspondence in response to requests by the Planning Board and the Planning Department that reviewed the project. All of these plans, reports and correspondence, and meeting minutes are contained in the Planning Department's files and are hereby incorporated by reference into the public record for this public hearing.

Conditions Precedent:

The approval of the application is subject to the following conditions:

1. The site plan shall be revised to include the following:
 - a. Revise the numbering within the Notes section of the site plan to be sequential.
 - b. Revise the plan to include a dumpster pad and related screening details.
 - c. Revise Site Plan, Note 11.D to read as follows, "Waiver of Development Regulations, Section 6.05.03 to allow off-street parking area spaces to be reduced in size from the required 9' x 18' square feet to 8' x 16' square feet."
 - d. Revise Site Plan, Note 12 to read as follows, "On September of 2022, 371 Elm Street, LLC received a Variance from the Milford Zoning Ordinance, Article V, Sections 5.08.1 to allow the conversion of the existing motel to a multi-family use (apartments) on the subject property. (See ZBA Case #2022-22) In addition, 371 Elm Street, LLC received a Variance from the Milford Zoning Ordinance, Article V, Sections 5.03.4 to permit a total density of 12 units within an existing residential/commercial building on the subject property. (See ZBA Case #2022-23)
 - e. Revise Site Plan, Parking Requirements Note by reducing the number of Guest Overflow Spots from 6 to 3 for a total of 15 parking spaces.
2. The applicant shall submit written approval of the property owner of the abutting parcel, Tax Map 16, Lot 1-1 to allow the removal of the impervious pavement located between the properties and minor grading.
3. The conversion of the building to a multi-family requires compliance with specific building and life safety codes. The applicant shall be required work with Town departments and comply with life safety/health/building/fire protection codes relative to the conversion to a 12-unit multi-family building.
4. Applicant shall also work with Town Staff collaboratively finalize the driveway access/egress and resolution of the driveway drainage along Elm Street.
5. The Applicant shall submit the following to the Community Development Office:
 - a. One (1) 11" x 17" reduced copy of the site plan.

- b. Four (4) full sized paper sets of the site plan.
- c. One (1) full sized, mylar set of the site plan.
- d. One (1) electronic .pdf file of the site plan.
- e. One (1) CAD/.dwg file.

Note: The submitted plans shall have the owner, engineer and surveyor signatures in black ink. The plans will then be reviewed and signed by the Planning Board Chairman or designee.

Conditions Subsequent:

1. Payment of any and all outstanding fees which may be owed to the Town of Milford and/or its agents in association with review and inspection of the construction and associated elements are to be paid in full prior to start of construction.
2. Payment of any and all outstanding property taxes which may be owed to the Town of Milford.

Waivers:

The Planning Board approved the following four waivers:

1. **From the Town of Milford Development Regulation Section 6.05.4: To reduce the total number of required parking spaces from the 2 required parking spaces per multi-family residential unit to 1.6 parking spaces for a total of 15 spaces.**

This request was supported based on the change of use from a motel to a multi-family consisting of 12 studio apartments resulting in a reduction of demand for off-street parking. Through the testimony of the applicant and public, studio apartments require less parking (1 space) when compared to multi-bedroom, multi-family developments. The waiver is supported under the following:

- The development's landlord shall assume full and complete responsibility of the necessary Enforcement Powers of the residential complex parking, and shall properly maintain resident and guest parking conditions, with towing restrictions, etc., as needed. Leases shall include stipulations to describe the above language.
- The Planning Board requires that the residential complex creates and designates three (3) additional Guest Parking Spaces prior to opening, to be specifically located along the southwestern-most area of the property site.
- The applicant shall work with town staff for one of the approved fifteen (15) total parking spaces to be designated, signed and paint-marked as Handicap Parking only, meeting all necessary ADA dimensional requirements.

2. **From the Town of Milford Development Regulation 6.05.03 Parking Space Dimension Requirements to allow the current 12-space parking area spaces to be reduced in size from 9' x 18' square feet to 8' x 16' square feet.**

This request was supported based on the applicant's intent to maximize the usable space and to remain consistent with the historical layout and dimensions of the twelve existing parking spaces.

3. **From the Town of Milford Development Regulation 6.08.5A & 5B requesting relief from the required landscaping buffering requirements on/along the periphery of the property and from Section 6.08.6 from requiring landscaping along the frontage of the existing building.**

This request was supported based on the existing conditions of the property and the limitations of the reciprocal access easement along the eastern property line abutting Tax Map 16, Lot 1-1 to install the required landscaping in/along the periphery of the property and the frontage of the building.

The applicant shall be required to work with town staff to review any proposed landscaping enhancements for the site, with allowance to deviate from the minimal buffer requirements and the location for all plantings. The applicant shall be required to utilize appropriate tree, shrub and ground cover species after a review of the necessary drainage remediation has been considered and finalized.

General Conditions:

1. The Applicant shall comply with all Development Standards and Zoning Ordinance regulations in effect as of the filing of the Application.
2. Unless otherwise stated, all previous approvals and plans associated with this property and project areas shall remain in full force. Further, the provisions of this Conditional Site Plan approval shall apply to and be binding upon the Applicant and all successors and assigns in interest or control.
3. This Conditional Site Plan approval is based upon the following information, which is incorporated into this decision by reference:

Plan titled: 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)

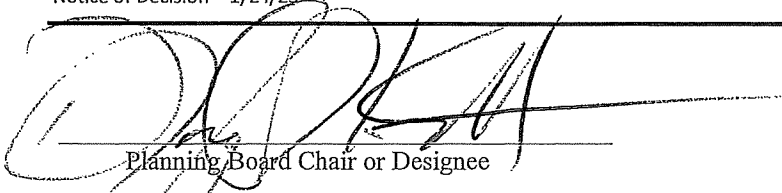
Prepared by: Downeast Residential, LLC-23 Middle Street, Newburyport, MA

Scale: 1" = 20'

Date: December 21, 2022

Sheets: One (1)

Minor Site Plan – Tax Map 16, Lot 1
371 Elm Street, LLC.
Notice of Decision – 1/24/23



Planning Board Chair or Designee

01/25/2023
Date

Cc: 371 Elm Street, LLC via email
Assessing Department
Building Department
Zoning Administrator
File