



TOWN OF MILFORD, NEW HAMPSHIRE
OFFICE OF COMMUNITY DEVELOPMENT

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STAFF MEMO

Date: June 8, 2021
To: Town of Milford Planning Board
From: Jason Cleghorn, Town Planner
Subject: **SP2021-17 Station 101, 193 Union Square, Map 25, Lot 19.** Public Hearing for a minor site plan application to install a seasonal food truck with six (6) additional outdoor dining tables for a total of forty-eight (48) additional outdoor dining seats.

BACKGROUND:

The applicant is requesting approval of a minor site plan to memorialize the addition of a seasonal (truck and tables would be removed in the winter) food truck on the property as well as an additional area of outdoor seating with a wooden barrier and relocation of an ADA accessible parking space. Town Staff recently approved a Temporary Outdoor Dining Permit for these additions under the Governor's COVID guidance for restaurants, which has not formally expired. The applicant seeks to get these aspects permanently memorialized as part of formal minor site plan approval.

LOT AREA:

Lot 25-19: ±.278 acres (12,094 sf)

NOTICES:

Notices were sent to all property abutters on June 2, 2021.

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. Restaurants and their accessory uses are permitted within the Commercial "C" zoning district.

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 the RiverHouse restaurant to the north, the Souhegan River and the Jacques Memorial School building to the immediate west, and commercial uses to the south across Union Square.

LANDSCAPING:

The original site plan which was approved by the Planning Board had two areas which were shown as "proposed permanent landscaping". The applicant has not installed this landscaping at this time and Town Staff made that installment part of the conditions of approval of the town's "Temporary Outdoor Dining Permit" as part of the governor's orders related to COVID. The applicant will be prepared to speak about alternatives to the landscaping as part of the approved site plan as they indicate that installing it will be problematic for their business. Staff believes that permanent landscaping was shown on the original site plan and that there should be some form of it on site.

PARKING:

Parking is waived by the Zoning Ordinance within the Oval, however since spaces were shown on the original approved site plan, one of those spaces should be an ADA accessible space. The applicant is showing one such space on this minor site plan. Two spaces are depicted because the applicant wishes to utilize the northern space as ADA accessible in the off

season and the western ADA location during the on season portion of the year.

INTERDEPARTMENTAL REVIEWS:

Planning Department:

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

1. The recently installed landscaping out by the street does not meet the requirements of the site plan. Given the difficulty of removing the asphalt, Lincoln and I have discussed at a minimum some permanent raised beds in the area shown on the site plan.
2. Staff is unaware if the current (as of this morning) location of the food truck is the final disposition of it. Currently, it is covering the location of the newly created handicapped space shown on the site plan. The handicapped space, as we discussed previously here in the office, is not optional. It's not something that you are going to be able to block or shield from usage.
3. Since these items were shown on your original site plan, as well as agreements that you made as part of your "Temporary Outdoor Dining Permit" that this Minor Site Plan seeks to make permanent, the portions previously mentioned, the landscaping, the handicapped space etc. need to be done now. They shouldn't wait until the new Minor Site Plan is approved because the minor site plan is for the food truck and the additional seating only. These other aspects are already part of an approved site plan that has not been implemented.
4. Until these items are remedied, Staff has concern about the approval of additions to the site. At a minimum, these items will be recommended as conditions of approval prior to final approval of the new site plan as part of this PB review.

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 June 8, 2021 to the Community Development Office for review and approval by the Town and its agents.
2. A decision on the manner of permanent landscaping needs to be made by the Planning Board. In lieu of removing asphalt, town staff recommended permanent raised beds. The applicant did not believe that to be conducive to the operation of their business.

