

Town of Milford
Zoning Board of Adjustment
September 17, 2020
Case 2020-20
Souhegan Nursing Association
Special Exception

Present: Jason Plourde, Chair
Rob Costantino, Vice Chair
Karin Lagro (Alternate)
Paul Dargie, BOS Representative
Tracy Steel
Michael Thornton
Lincoln Daley, Director of Community Development

Absent: Wade Campbell
Joan Dargie (Alternate)

Chairman Plourde welcomed everyone and declared a State of Emergency as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, the Board of Adjustment is authorized to meet electronically. This meeting is held in accordance with the applicable New Hampshire State statutes, Town of Milford ordinances, and the Zoning Board of Adjustment Rules of Procedure. He stated that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, he confirmed that the Board is:

- a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means.
- b) Providing public notice of the necessary information for accessing the meeting.
- c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access.
- d) Adjourning the meeting if the public is unable to access the meeting.

Chairman Plourde stated that all votes that are taken during this meeting must be done by Roll Call vote. He started the meeting by taking roll call attendance. He asked each member to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law. Roll Call Attendance: Jason Plourde alone in the Community Development conference room at Town Hall adjacent to Lincoln Daley's office; Rob Costantino at home alone, T. Steel at home with family members in the room, K. Lagro at home alone, M. Thornton at home alone. J. Plourde asked that K. Lagro be seated as a regular member for tonight's meeting in the absence of W. Campbell. K. Lagro agreed. A poll was taken: J. Plourde yes; M. Thornton yes; R. Costantino yes; T. Steel yes.

Chairman Plourde continued by stating that there were three new cases to be heard, with no old cases. He then proceeded to summarize the hearing process, rules, and procedures for Board Members, applicants, and the general public. J. Plourde stated that the Board can move onto the first case tonight. It was requested that the second item on the agenda be discussed first, as the applicant for the first case (2020-20) is not present yet. Robert Demers, representing the applicant for Case 2020-20, said Brad Westgate is trying to gain access. Robert Demers asked that the cases be taken out of order. At some point during this meeting, M. Thornton was disconnected on the Zoom meeting and did not participate in any decisions for this hearing Case 2020-20.

MINUTES OF THE ZBA MEETING SEPTEMBER 17, 2020 SPECIAL EXCEPTION
CASE #2020-20 SOUHEGAN NURSING ASSOC- SE - VIA ZOOM

Case 2020-20

Souhegan Nursing Association, Inc. for the property located at Milford Tax Map 8, Lot 11-1, 24 North River Road is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.2.A.6 to permit a change of use from a medical facility to a secondary educational school within the Residential 'R' Zoning District

Robert Demers, representing SNA, explained that Souhegan Nursing Association no longer functions but has title and owns this property which is up North River Road in the Residence R zone. Parking is located in front and in back of the building. There are 2.51 acres and the building was built in the 70's, with two curb cuts. This was a hub for the visiting nurses at one time with about ten people in and out to go out to do the home visits. About 7-8 years ago they stopped and the building has been vacant ever since. St. Joseph's hospital has a two year Physician's Assistant program that is currently being run out of its main campus in Nashua. The hospital would like to have some classroom space in this existing building. The students will still attend classes in Nashua and will also be doing clinical programs in doctor's offices. To start, it will be 3-4 students but they are looking to get 12-15 students that would alternate days on site. There are ten parking spaces in front of the building and 12 spaces in back, the maximum number of people there might be is 15 with instructors. There would be no deliveries or visitors other than the instructors and students. R. Demers continued by stating they are planning for one car per person.

Brad Westgate, attorney representing the applicant, addressed the five criteria, indicated this meets the definition of a school and the R district allows a school by Special Exception. J. Plourde commented this is a great use of the property asking if it will need a site plan approval? L. Daley thinks we can talk with the town Planner but that is a discussion we will have with the Planner after tonight. J. Plourde indicated that Route 13 is under DOT jurisdiction so because it is a change in use you will have to go to the DOT District office in order to get an amended access permit; NH DOT came out with a revised process 5-10 years ago for a trip credit associated with the previous use so he is not sure if they will have a problem at all but you will have to go through that process. B. Westgate indicated that there will be no renovations to the building other than for computer connections and he will talk about that if this goes through a site plan process, the parking requirements and traffic is modest. This meets the definition of school which is allowed with Special Exception in the R district. L. Daley said whether this goes to Planning Board for site plan approval is part of this discussion right now, initially I think yes, but that is subject to a discussion with the Planner. J. Plourde asked if there were questions from the Board.

R. Costantino indicated the MCAA parking is not and has never been adequate and people used to go and park at this facility all the time and it could be an issue now as well. There is adequate parking and there is space to create more parking if needed. T. Steel had no comments but said it is a good use of the building. Robert Demers said they work closely with MCAA and do allow parking during a tournament, we realize people use the parking when we are not using the facility and do not have a problem with that. K. Lagro said this is a thorough application but asked about hours of operation, this is a great use for the building but if classes go into the evening hours that might impact the residences across the street. B. Westgate responded the hours will be 8 am to 5 pm on weekdays and as it develops over time, it might extend into the evening hours. If it is successful, evening programs may be added with about 8 students and instructors for class and clinical. R. Demers said if this goes to evening classes, we will have a designated entrance and exit to prevent car lights from going into the windows across the street.

L. Daley asked if it is anticipated to have other uses at the school that may occur in the evening? B. Westgate said no, it is only for the school, if non-school uses were considered, it would need to be coordinated with planning and zoning. J. Plourde opened the meeting to the public. L. Daley said there is one person that would like to speak.

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Steve Bonczar, Jennison Road, owns 25 Hutchinson Point which faces this nursing building, he does not have an issue with the use, but has concern about the criteria about affecting the adjacent area. The evening hours this could utilize beyond between the 8-5 pm hours is hours are not an issue, but he has an issue with hours going until 10 pm. The Hutchinson Point community is 55+ and people go to bed early and the point of access and exit are directly across from the units. The lighting is for the existing use and there needs to be an update to the lighting plan. The existing lighting is on a pole that is close to the road and projects light off the property and onto the Hutchinson Point property, he would like to see that lighting projected differently and onto the property parking lot. J. Plourde asked if the vegetation along that side of Hutchinson Point is mature yet? S. Bonczar responded no, they will be maintained at an 8 foot height and will not have enough foliage to block the light. With this change of use, that light should be changed. R. Costantino agrees with the light being changed to light up the parking lot. R. Demers said that light was used when it was a 24 hour nursing service and can be adjusted with different lights.

L. Daley said as part of a condition, the applicant can work with staff to come up with a lighting plan and the lumens used. R. Costantino asked about the car lights casting onto the residences and how that is any different from people leaving a house? S. Bonczar said until 8 pm is one thing, but 10 pm is too late in a residence R zone, 8 pm would be more reasonable. B. Westgate asked if 9 pm would work with this current plan? Vickie said we have a minimum number of clinical hours in order for the students to qualify. B. Westgate said if it goes until 9 pm that would run with the MCAA field use. R. Demers thinks operating with MCAA hours (9 pm) might work. S. Bonczar said 9 is better than 10; it is not the lights, it is the activity going in and out at that hour and it is not fair to the residents living there. This use will generate more traffic in and out. J. Plourde asked for other input. Seeing none, he read the emails provided by the applicant. R. Costantino asked what will be done for the hours? J. Plourde asked if there could be a buffer added for the headlights? R. Demers said they could put up a fence that would block headlights or some greenery. R. Costantino asked if the ZBA can just talk about approval of this application with daytime hours? K. Lagro said the latest time she would want to see this open is 8 pm, to which S. Bonczar agreed. B. Westgate said the hours of 8-5 and future consideration of later hours at a later date.

Deliberations:

R. Costantino said to just consider the hours of 8-5 pm and take the other later hours up when that comes up in a few years. K. Lagro and T. Steel are stated their preference for limiting the hours of operation from 8 am to 8 pm. both ok to have hours until 8 pm and anything beyond 8 pm would need to come back for extended to extend the later hours. After a brief discussion, members concurred with limiting the hours of operation from 8 am to 8 pm.

J. Plourde then proceeded to formally state into the record that the hours of operation for the school use will be from 8 am to 8 pm. Further, any extended hours beyond the 8pm by applicant/landowner would require Board approval.

The criteria for the Special Exception was were discussed:

- 1-R. Costantino yes this is allowed by Special Exception; T. Steel, K. Lagro, and J. Plourde agreed.
- 2- T. Steel yes this is an appropriate use; K. Lagro agreed, the requirements are met for parking and a separate entrance/exit; R. Costantino and J. Plourde agreed and this will not require more parking
- 3-R. Costantino – lights, noise and later hours are an issue. but as applied for, this use will not affect the neighborhood. ; K. Lagro agreed; T. Steel agreed and thinks it should keep similar hours to the MCAA fields; J. Plourde said lighting must be handled as discussed.
- 4-K. Lagro said this will not be a lot of traffic and will be staggered; T. Steel agreed; R. Costantino agreed, J. Plourde yes and they need an access permit on a DOR NHDOT roadway for a changed use
- 5-T. Steel said the facilities are adequate for this use; R. Costantino yes water and sewer on the site; K. Lagro they have all facilities for this use; J. Plourde agreed.

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Voting:

The ZBA voted on the Special Exception 10.2.1:

- A. R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes
- B. K. Lagro yes; T. Steel yes; R. Costantino yes; J. Plourde yes.
- C. K. Lagro yes; R. Costantino yes, T. Steel yes; J. Plourde yes
- D. K. Lagro yes; T. Steel yes; R. Costantino yes, J. Plourde yes
- E. R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes
- F. K. Lagro yes; R. Costantino yes; T. Steel yes; J. Plourde yes
- G. T. Steel yes; K. Lagro yes; R. Costantino yes; J. Plourde yes

Is the Special Exception allowed by the Ordinance? R. Costantino yes; T. Steel yes; K. Lagro yes; J. Plourde yes.

Are all the specified conditions present under which the Special Exception may be granted? R. Costantino yes; K. Lagro yes, T. Steel yes; J. Plourde yes.

R. Costantino moved to grant Special Exception 2020-20. K. Lagro seconded. A roll call was taken: R. Costantino yes; K. Lagro yes; T. Steel yes; J. Plourde yes.

Chair J. Plourde stated that the criteria of Special Exception have been satisfied and Case 2020-20 has been approved; there is a 30 day appeal process, end date for that is October 17, 2020. J. Plourde thanked the applicant for attending this ZBA virtual meeting.

Motion to Approve: _____

Seconded: _____

Signed: _____

Date: _____

THE MINUTES OF CASE 2020-20 DATED 9/17/2020 WERE APPROVED _____