AGENDA

January 25, 2011

Board of Selectmen's Meeting Room - 6:30 PM

REGULAR MEETING

PRESENTATION:

2011 Milford Planning Board Distinguished Site Award.

PUBLIC HEARING: (postponed from 1/18/11)

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold Public Hearings on Tuesday, January 25, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

1. Modifications to Article VI, Overlay Districts, Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.
2. Revisions to Article V, Zoning Districts and Regulations relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.
3. Add to Article X, Administrative Relief, Section 7, to allow Office use by special exception in the Residence A and B districts.

MINUTES:

Approval of minutes from the 12/21/10 and 1/18/11 meeting and from the 12/14/10, 1/4/11 and 1/11/11 public hearings.

OLD BUSINESS:

1. **Soiland, Inc/H2O Waste Disposal Services, LLC – Jennison Rd – Map 8, Lot 38.** Major site plan to construct a private recycling facility with associated site improvements. *(tabled from 12/21/10)*

OTHER BUSINESS:

WORKSESSION

1. Presentation – TIF Board
2. Worksession dates for next month
3. Other Business

Future meetings:

02/15/10 Regular meeting

The order and matters of this meeting are subject to change without further notice.

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MILFORD PLANNING BOARD PUBLIC HEARING
December 14, 2010 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:
Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Steve Duncanson
Judy Plant
Kathy Bauer (BOS Representative)
Susan Robinson (Alternate member)
Gary Williams (Alternate member)

Staff:
Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Mike McInerney, Videographer

Chairperson Langdell called the meeting to order at 6:35PM. Chairperson Langdell then introduced the Board, explained the process for the public hearing and read the agenda.

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold a Public Hearing on Tuesday, December 14, 2010 at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

1. Minor zoning changes to Articles II, General Provisions and VI Overlay Districts to clarify definitions of Public Nuisance and Liquid Petroleum Products.
2. Modifications to Article V, Zoning Districts and Regulations Sections 2, 3 and 4 to amend accessory structure setbacks.
3. Revisions to Article V, Zoning Districts and Regulations relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.

PUBLIC HEARING

Article II, General Provisions
Chairperson Langdell noted that zoning changes regarding the definition of *Public Nuisance* will be re-noticed and discussed at the public hearing on January 4, 2011.

***Article V, Zoning Districts and Regulations Sections 2, 3 and 4;* modifications to amend accessory structure setbacks.**
Chairperson Langdell referenced the staff report titled Zoning Changes for Public Hearing dated 11/29/10 and explained that this amendment is from a request to make some modifications for the yard requirements. It changes the setback to six (6) ft from the side and rear property lines for accessory structures 120 SF or less in Residence A, Residence B and Residence R.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none.

S. Duncanson made a motion to post and send the proposed amendments, as written, to the March 2011 warrant. K. Bauer seconded and all in favor.

***Article IV, Definitions and Article VI, Overlay Districts, 6.01.0 Groundwater Protection District, 6.01.1.B Definitions;* revisions.**
Chairperson Langdell explained that the proposed revisions will make our definitions consistent. The new definitions include *Harvesting of natural resources, Health service facilities, Hospice house, Hospital, Hotel, Nursing home or facility, and Utility, public or private* and *Hotel/Motel* will be deleted.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board.

J. Langdell asked if the definition for *Harvesting of Natural Resources* was related strictly to commercial endeavors for timber and water or if it included a homeowner cutting trees on their yard.

K. Bauer inquired if the removal of gravel was addressed somewhere else. S. Marchant replied that fell under processing of natural resources. J. Langdell also noted that gravel removal is governed by its own set of RSA's and the town gravel ordinance where timber, water, top soil aren't. S. Marchant added that the definition includes earth materials and gravel removal could fit under this but it would really depend on the application. G. Williams said from past discussions it was determined that if someone were stripping a lot to build a house, and selling the loam, it was considered part of the normal building process, not actually harvesting natural resources.

G. Williams brought up the definition of *Hotel/Motel* and the worksession discussion with Bill Parker to remove cooking facilities. T. Sloan said we wouldn't want to discourage a national chain from putting a facility here, particularly one that provides for extended stays. We didn't want to exclude a Residence Inn.

S. Marchant clarified that the existing *Hotel/Motel* definition is proposed for deletion. J. Langell then read the new definition, saying it was consistent with the definitions from Manchester, Portsmouth and our reference book, Illustrated Development Definitions. *Hotel: A facility offering transient lodging accommodations to the general public supervised by a person in charge at all hours, and which may include additional facilities and services such as restaurants, bars, meeting and function rooms, entertainment, personal services, and recreational facilities.*

S. Duncanson made a motion to post and send the proposed amendments, as written, to the March 2011 warrant. G. Williams seconded and all in favor.

***Article V, Zoning Districts and Regulations;* revisions relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.**
J. Langdell explained that the proposed amendments listed as "Item C" on pages 2 -7 of the staff memo dated 11/29/10 reference the above posted definitions in the appropriate zoning districts. The majority of the revisions are basic housekeeping items, inserting the terminology in our existing zoning ordinance; however, there are some additions which are based on recommendations from the Economic Development Advisory Council (EDAC) that we took into consideration. We met with the EDAC in terms of really going through their recommendations to us as possible improvements and updates to our zoning ordinance to be consistent in attracting business to town. These changes were also discussed in length at two subsequent worksessions. A lot of the revisions affect the I, ICI and Commercial areas in the west section of town.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none.

T. Sloan made a motion to post and send the proposed amendments, as written, to the March 2011 warrant. J. Plant seconded and all in favor.

The public hearing was adjourned at 6:45PM.

MINUTES OF THE DEC 14, 2010 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2010

Motion to approve:
Motion to second:

_____ Date: _____
Signature of the Chairperson/Vice-Chairman:

MILFORD PLANNING BOARD MEETING (Draft)
December 21, 2010 Board of Selectmen's Meeting Room, 6:30 PM

Members present:
Janet Langdell, Chairperson
Tom Sloan, Vice chairman
Paul Amato
Kathy Bauer, BOS representative
Chris Beer
Steve Duncanson
Judy Plant

Susan Robinson, Alternate member

Excused:
Gary Williams, Alternate member

Staff:
Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Feral McEleavy, Videographer

MINUTES:
Approval of minutes from the 11/16/10 meeting

NEW BUSINESS:
1. **Soiland, Inc/H2O Waste Disposal Services, LLC – Jennison Rd – Map 8, Lot 38.** Public Hearing for:
- *a)* A major site plan to construct a private recycling facility with associated site improvements and;
- *b)* A waiver request from Development Regulations Article V, Section 5.01; Scope of Review.
- *c)* A waiver request from Development Regulations Article VI, Section 6.08; Landscaping Standards. *(new applications)*

OLD BUSINESS:
2. **Paul & Nancy Amato/Stonewall Dr Ext – Mile Slip Rd & Stonewall Dr – Map 45, Lot 11-1.** Withdrawal of major open space subdivision application creating fifteen (15) new residential lots. *(Application tabled from 11/16/10)*

Chairperson Langdell called the meeting to order at 6:30PM and introduced the board members and staff.

MINUTES:
Approval of minutes from the 11/16/10 meeting.

S. Duncanson made a motion to accept the 11/16/10 minutes as written. K. Bauer seconded and all in favor.

NEW BUSINESS:

3. **Soiland, Inc/H2O Waste Disposal Services, LLC – Jennison Rd – Map 8, Lot 38.** Public Hearing for:
A major site plan to construct a private recycling facility with associated site improvements and;
A waiver request from Development Regulations Article V, Section 5.01; Scope of Review.
A waiver request from Development Regulations Article VI, Section 6.08; Landscaping Standards.

No abutters were present.

Chairperson Langdell recognized:
Steve Trombly, property owner
Ryan Hanson, H2O Waste Disposal Services, LLC
Dawn Tuamala, Monadnock Survey, Inc.

C. Beer made a motion that this application did not pose potential regional impact. S. Duncanson seconded and all in favor. S. Wilson read the abutters list into the record. J. Langdell noted the application was technically complete according to the staff memo dated 12/21/10. C. Beer made a motion to accept the application. P. Amato seconded and all in favor.

D. Tuamala presented plans dated 12/13/10 for a proposed private recycling facility on parcel 8/38. The operator is H2O Waste Disposal Services, LLC and the property owner is Soiland, Inc. The facility will be located in the Residence R District and the setbacks have been extended to fifty ft (50') per state regulations. The site is not in the Shoreland Protection District and there are no wetlands located in the proposed area. We will only be using 1.5 acres, a small portion of the 11 acre parcel which will be accessed from Jennison Rd. Parts of the property are in the 100 year floodplain; however, none within the proposed facility area. The 6,000SF building will be 75'x80' and have an open ended concept, constructed of fabric type materials. An access agreement on 8/38 and 8/39 will provide access to either portion of the building. The facility will be serviced by a water line running from an existing well on the property and an on site sewerage disposal system on the east side of the building. Since 1979 the proposed location has been used as a storage area for farm and construction materials and there is also a truck and farm equipment repair business. The existing area is mostly gravel with a small strip of trees between lots 38 and 39 that will come down for the access driveway. The area has been used for stockpiles, which were contoured in error, and we are proposing to loam and seed the area and plant some Christmas trees. We've tried to design this with minimum removal of existing vegetation. D. Tuamala explained the recycling process and said that all storage will be within the building itself. The upper area of the building is open and will be used for the trucks to back in and drop off into the bins down below. There will also be a side door in the lower section to drive in if a larger bin was needed.

J. Langdell inquired about the two spaces shown on the lower section. D. Tuamala replied that those spaces were for vehicle parking. There are also three (3) spaces for employee parking on the side of the building and additional room if they needed to be switched around. The existing drive will be used and incorporated into the proposed drive to lot 38, moving it to make the grade coming down from the building a little less steep.

K. Bauer asked which well on the plan was to be used for the facility. D. Tuamala said the wells shown on the plan were monitoring wells used by the State and the EPA; the well for this facility is not shown on the plan. K. Bauer then inquired about the location of the septic system and if it would be completely contained within the facility area. D. Tuamala said it will be a small system that will meet the state minimum of 300 gal per day. In this soil we will use an inground Enviro system located in front of the tree line, parallel to the building, fitting in right along the slope. K. Bauer asked where further employee parking would be located if the business expanded. D. Tuamala said it would continue along the side. R. Hanson said there is currently only one full-time and one part-time employee. K. Bauer asked about the Police Department's note referencing truck traffic going through the downtown. R. Hansen said the trucks do go through downtown; box trucks service existing customers

downtown and the traditional trash trucks service high density customers like Ledgewood. K. Bauer brought up Community Development comment #3 and asked if there will be a visual delineation such as markers or a fence to show what area will be used? D. Tuamala said the whole area is gravel and the area to be loamed and seeded will be marked in the field. The dimensions will be 350' along both property lines and 490' along the 100 year flood line and she can put those dimensions on the plan. We can also put a pin or something at the corners to show the bounds. P. Amato clarified this was not a subdivision and they are still just using a part of Steve's land. K. Bauer inquired about the proposed building. D. Tuamala said a structural engineer will be doing the full foundation plan for the building and can address the snow load and wind issues, if need be. S. Marchant said staff will set up a meeting with the Building official and the applicant during the interim.

P. Amato asked if the building would need to be sprinkled. S. Marchant said that the Fire Department and Code Enforcement will sit down with the applicant to make that determination.

J. Plant inquired about traffic. R. Hanson said the employees will be coming in the morning, parking their cars and using company vehicles so probably twelve (12) to fifteen (15) trips per day on the high side.

S. Duncanson inquired about the monitoring wells. S. Trombly explained that this has been an EPA investigated site since the 1960's and about a dozen wells have been installed over time. The remaining wells are there for extra testing which is favorable because now we have a baseline. DES is happy with the location of the current wells and they will take that into consideration with the application for this facility. S. Duncanson asked if both ends would be open on the building and if any considerations have been made for wind. R. Hanson referenced the design in the packets and explained the curtaining technology that will keep the elements outside and the materials inside. S. Duncanson said he still had some concern with trash going onto the neighbor's site during the day if there were high winds. R. Hanson said we certainly want to keep the site clean. We have been working with Steve for three years now, without any problems. S. Duncanson asked if the proposed baler would be for cardboard or plastic. R. Hanson replied that the baler is a future consideration, but it would be for both. S. Duncanson suggested that the applicant get the Fire Department's approval before installation of the baler because of potential fire hazards and discussion ensued.

J. Langdell inquired if there would be any solid waste stored. R. Hanson replied none, only recyclable materials. J. Langdell asked if any equipment would be below grade level. D. Tuamala replied no, and explained that the upper level for the trucks will be nine ft (9') taller than the lower level and both levels will be at existing grade levels. There will be a three ft (3') concrete wall inside the middle of the building to act as a break for vehicles and wind.

T. Sloan asked if there was a copy of the DES permit available and said he would like to see a copy. S. Marchant referenced staff comments from Community Development/Zoning and said that the permit was issued for 8/39 and will need to be amended. She will get a copy to the Board. D. Tuamala said the permit will be amended by the Solid Waste Bureau and we will also obtain septic approval.

D. Tuamala said the applicant is requesting a waiver from surveying the entire eleven (11) acre parcel as they will only be encumbering 1.5 acres. J. Langdell inquired about future growth. R. Hansen said this proposal is only replicating what we are using right now and then doubling that space for future uses that would be several years down the road.

P. Amato inquired if the lease is for 1.5 acres even though the ZBA approved 2.5 acres for the use. R. Hansen said the actual lease hasn't been ironed out yet. P. Amato expressed concern with whether the lease will be for 2.5 or 1.5 acres. S. Marchant clarified that the plan before the Board is for 1.5 acres; if the size changes the applicant will have to come back to the Planning Board. P. Amato said that while the public will not be harmed by granting this waiver, he does not see public benefit. J. Langdell said the cost savings, from allowing this waiver, could be used to promote public good by fostering economic development. S. Trombly said it might well serve the public good because there is not a road to stand on where one could visually see this site, it's that hidden. P. Amato said we are not questioning the usability of the site, but the waiver is for engineering of the entire site. K. Bauer said she agreed with Steve, having this type of operation out of sight definitely benefits the public and she doesn't see the truck traffic as a deterrent.

J. Langdell referenced the waiver request dated 12/7/10 and stated that the Development Regulations require securing the public interest while doing justice for the applicant. D. Tuamala said this large tract of land has been used for various purposes over the years and currently is being used for a farm and equipment repair facility. We are proposing to use only 1.5 acres in the far corner that will be set well off Jennison Rd and the general public won't be able to see it located on the far end of the Soiland property. It shouldn't impact the public or the abutters. This proposal will improve the site by putting Christmas trees and loam on the open area. D. Tuamala reiterated that this will not impact the public as it is on private land and there will be minimal traffic.

T. Sloan related back to Paul's question and said once the size of the area is made clear for the waiver, we can move forward with the waiver process. S. Trombly questioned why the size mattered; if they were granted approval for 2.5 acres using only 1.5 would seem better in terms of traffic and exposure, but what harm would there be in utilizing the full 2.5 acres. T. Sloan said the delineation was important as it sets parameters for the business to operate within. S. Marchant clarified that the waiver and the plan were for 1.5 acres and private leases are not necessarily the purview of the Planning Board. What is shown on the site plan is what will be enforced. D. Tuamala explained that 1.5 acres was her doing. She picked the size and location of the area based on the delineation of the 100 year floodplain and Mr. Trombly's other operations on site. She designed the site with the least amount of area for this facility, knowing that the operation is small right now and will grow into this building. The 1.5 acre plan will be submitted to the State for approval on the area we designated. S. Duncanson noted that the proposed 50' wide easement partially on 8/39 will make the size greater than 1.5 acres. S. Marchant said that was an existing driveway and as long as a legal easement is granted and recorded, it is not calculated into the area. S. Duncanson added that they will be disturbing the ground to extend the driveway and it will be plowed and possibly asphalted in the future. S. Marchant said as long as the applicant is not changing the use on the property, the driveway will be addressed as part of the stormwater plan.

J. Plant said she can't see that granting a waiver would be a problem for the general public, but also didn't see a benefit.

Chairperson Langdell opened the floor to public discussion; there was none and the public portion of the hearing was closed.

K. Bauer read the Community Development/Zoning comment #2 on the staff memo. S. Marchant said that comment was from Bill Parker and she was not sure of the reasoning. The access easement will be recorded and there are no issues with note #20 on page 2 of the plan as stated.

P. Amato made a motion to grant the waiver from Development Regulations Article V, Section 5.01; Scope of Review. K. Bauer seconded for discussion.

T. Sloan asked if anything was submitted to comply with the Development Regulations to substantiate the public benefit associated with this waiver. K. Bauer asked if the rest of the argument for the public benefit as discussed here should be submitted on paper. S. Marchant noted that all discussion pertaining to the waiver would be documented and recorded in the minutes.

Chairperson Langdell called for a vote. K. Bauer, P. Amato, J. Langdell, C. Beer, J. Plant and S. Duncanson voted in the affirmative. T. Sloan voted in the negative stating that he was not opposed to granting the waiver, but the burden is on the applicant to provide us with the reasons for public benefit and that information was alluded to; he never heard the applicant or their representative promulgate that. We have conditions to grant waivers and those conditions should be met.

J. Langdell said in regards to the waiver request, she had some reservations that there might be some potential impact to the landscaping once the stormwater plan is reviewed.

P. Amato said Christmas trees would be good, but questioned if the "loamed and seeded" green space would be maintained or let to grow wild. Although no one will probably see this area, we do have requirements. S. Marchant stated that if this waiver is granted, the applicant would be able to plant Christmas trees wherever they felt necessary and the amount and layout would not be determined by the landscaping regulations. J. Langdell asked if the trees would be harvested. R. Hansen said no, that was not part of the plan.

C. Beer said he was not inclined to approve this waiver unless a specific number of trees is designated. If they want to be exempt from planting shrubs and in lieu will plant trees, that is different; however, he doesn't feel that getting rid of the landscaping standards altogether is appropriate, even though this site is not visible from the road. It would set the wrong precedent. D. Tuamala said that three (3) sides of this building impede plantings and we can't plant a buffer along the property line if we're using part of that as an access. So, in lieu of that, we're loaming and planting seed. We can add a note to the plan to keep it maintained, but right now there is nothing in that area so these improvements will be a public benefit. We didn't count the number of existing trees, but can designate a number for them on the plan along with spacing. Again, we've done what we could in the areas that we could to try to enhance the site. The public doesn't have the right to access this private property, but if they did venture down, it will be improved and that is a benefit. J. Langdell said that the applicant will be removing trees for the access and will be replacing those trees in another area; that is a sound thing to do. D. Tuamala said that the before and after drainage calculations will be very close and there will be less coming off the site after improvements because of the conditions of the site right now. Putting the loam, the seed, and the trees only enhances that. S. Trombly said the site was barren when he bought the property in 1979. All the bankings were exposed from previous sand removal and now the site is treed all around. As Dawn said, it is not a public facility and we plan on putting in a retention area that will be bermed and grassed with some trees. A large number of trees would not serve any purpose. P. Amato said the problem is that our ordinance requires a shrub every five ft (5') of building frontage for industrial buildings.

T. Sloan questioned if a waiver was really needed because of the existing plantings on the property already; there is no reason not to include those. S. Marchant said staff would work with the applicant to calculate out the trade off and noted that this Board has always accepted trees instead of shrubs as a positive. J. Langdell said given the context of this proposal, this site, and all the variables around it, are the landscaping requirements necessary. P. Amato reiterated that our ordinance does not say there is exception if a site is not visible from the road. J. Langdell said if the Planning Board, in their best judgment, based on the facts at hand felt that a waiver from landscaping requirements was appropriate, this Board has the power to do so. S. Marchant explained that the intent of the counts in our landscaping regulations is for visibility and can be very situational taking into account the Planning Board's consideration. J. Langdell polled the Board as to the need of numeric metrics for a determination on this waiver request. C. Beer and S. Duncanson stated yes, while K. Bauer, P. Amato, T. Sloan, J. Langdell, and J. Plant stated no.

P. Amato made a motion to grant a waiver from Development Regulations Article VI, Section 6.08; Landscaping Standards for this site plan. J. Plant seconded and a vote was called for. K. Bauer, P. Amato, T. Sloan, J. Langdell, and J. Plant voted in the affirmative. C. Beer and S. Duncanson voted in the negative and the motion carried by a vote of 5-2.

Chairperson Langdell noted that the interdepartmental review for this application was done from the original submitted plans, so the departments will need to review these revised plans as well as go over the stormwater and drainage for this site.

T. Sloan made a motion to table the application to the 1/25/11 meeting. S. Duncanson seconded and all in favor.

OLD BUSINESS:

Paul & Nancy Amato/Stonewall Dr Ext – Mile Slip Rd & Stonewall Dr – Map 45, Lot 11-1. Major open space subdivision creating fifteen (15) new residential lots

P. Amato recused himself.

Chairperson Langdell read the staff memo dated 12/21/10.

T. Sloan made a motion to grant the applicant's request to withdraw the application. S. Duncanson seconded and all in favor.

There was no other business and the meeting was adjourned at 7:45PM.

MINUTES OF THE DEC 21, 2010 PLANNING BOARD MEETING APPROVED ____, 2011

Motion to approve: _____

Motion to second: _____

_____ Date: _____

Signature of the Chairperson/Vice- Chairperson:

DRAFT

MILFORD PLANNING BOARD PUBLIC HEARING (Draft)
January 4, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:
Janet Langdell, Chairperson
Tom Sloan, Vice-Chairman
Chris Beer
Steve Duncanson
Judy Plant
Kathy Bauer (BOS Representative)

Staff:
Sarah Marchant, Town Planner
Shirley Wilson, Recording Secretary
Feral McEleavy, Videographer

Alternate members:
Susan Robinson

Chairperson Langdell called the meeting to order at 6:35PM. Chairperson Langdell introduced the Board, explained the process for the public hearing and read the agenda.

In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold Public Hearings on Tuesday, January 4, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:

1. Minor zoning changes to Articles II, General Provisions to clarify definitions of Public Nuisance.
2. Modifications to Article VI, Overlay Districts, Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.
3. Modifications to Article VII, Supplemental Standards, Sections 6 to amend the Sign Ordinance by adding definitions, creating Price Numbering Signs, clarifying Off Premise Signs, creating Event Signs and modifying Electronic Message Centers
4. Revisions to Article V, Zoning Districts and Regulations relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.
5. Add to Article X, Administrative Relief, Section 7, to allow Office use by special exception in the Residence A and B districts.
6. Modifications to Section 4.01.0 and 7.07.8 to update the definitions of the Senior Housing Development Overlay District.

PUBLIC HEARING

Chairperson Langdell stated that the notice in the 12/23/10 issue of the Cabinet Press was incomplete in terms of tonight's agenda; however, the agenda did appear in totality in the 12/30/10 issue and was posted at the Town Hall and on the website. Therefore, we will hold a public hearing on agenda items 2 and 5 but any decisions will need to wait until the 1/18/11 meeting.

Article II, General Provisions and Article VI, Overlay Districts;* to clarify definition of *Public Nuisance.
Chairperson Langdell noted that this zoning change has been withdrawn per discussion from the 12/21/10 worksession.

Article VI, Overlay Districts; modifications to Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.
Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none. Any decisions or further discussion will be postponed until the 1/18/11 meeting.

Article X, Administrative Relief; modifications to Section 7, to allow Office use by special exception in the Residence A and B districts.
Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none. Any decisions or further discussion will be postponed until the 1/18/11 meeting.

Article V, Zoning Districts and Regulations; revisions relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.

- ***Add Office in accordance with Section 10.02.7 as an Acceptable Use by Special Exception in the Residence A district, 5.02.02.A***
- ***Add Office in accordance with Section 10.02.7 as an Acceptable Use by Special Exception in the Residence B district, 5.03.02.A***

Chairperson Langdell referenced "Item D.1" on page 4 of the staff memo dated 12/22/10 and explained that the proposed amendment pertains to office use as discussed from the Economic Development Advisory Council's land use committee recommendations.

Chairperson Langdell opened the discussion for public comment; there was none. She then asked for comments from the Board; there were none.

C. Beer made a motion to table action on Articles V, Zoning Districts and Regulations, Sections 5.02.0 and 5.03.0 until the 1/18/11 meeting in order to make a decision on "Item D" in its entirety. S. Duncanson seconded and all in favor.

Article IV, Definitions and Article VII, Senior Housing; modifications to Section 4.01.0 and 7.07.8 to update the definitions of the Senior Housing Development Overlay District.

- ***Article IV, Definitions;*** **revisions to Assisted Living facility, Congregate Care Facility and Independent Senior Housing.**

Chairperson Langdell explained that Attorney Drescher has reviewed our revisions and given some input. He was happy with our definitions, especially the reference to the RSA; however, he would recommend that we include the term "shall include but not be limited to" to the beginning of the definitions Assisted Living Facility and Congregate Care Facility, listed in Item E on page 5.

T. Sloan asked if that would change the intent. J. Langdell replied no, it is not a substantive change, but more of a clarifying point.

K. Bauer inquired what town counsel's reasoning was. S. Marchant said he had no issue with the definition as proposed and she brought forward the Planning Board's difficulty in finding a definition and balancing the RSAs and administrative rules with our fears that we would miss something we intended to be included. We didn't want a facility like the Pillsbury House to have to go to the ZBA because it didn't exactly fit. What we have is good and we can certainly go forward without this change, but this wording was town counsel's recommendation to address items that didn't fit quite perfectly and to make our ordinance cleaner. K. Bauer asked if this new clause would make enforcement more open ended for the applicant. S. Marchant said that town counsel didn't think so because these definitions are so specific. The wording would not be wide open, but it would allow for some flexibility. J. Langdell said part of the challenge with revising the definitions was that they were taken from the front part of the RSA not necessarily from the regulations that are put forward by the State that have the different levels and more detailing so this may give us more ability without being a huge outlier.

J. Plant said she would prefer adding the recommendation from town counsel.

C. Beer said either way was fine with him.

S. Duncanson made a motion to amend the definitions of Assisted Living Facility and Congregate care facility with the wording as recommended by town counsel. C. Beer seconded and all in favor.

Chairperson Langdell opened the discussion for public comment; there was none and the public portion of the hearing was closed.

C. Beer made a motion to post and send the proposed amendments, as amended, to the March 2011 warrant. S. Duncanson seconded and all in favor.

Article VII, Supplemental Standards; Modifications to Section 7.06 to amend the Sign Ordinance by adding definitions, creating Price Numbering Signs, clarifying Off Premise Signs, creating Event Signs and modifying Electronic Message Centers.

Chairperson Langdell opened discussion for public comment on the proposed amendments listed on pages 1-5 of the staff memo dated 12/22/10; there was none and the public portion of the hearing was closed.

S. Marchant distributed a memo from Bill McKinney dated 1/4/11 and a revised sheet detailing the changes to event signage and explained that paragraphs 2-3 would be the focus of tonight's discussion. J. Langdell noted, as an aside, that the community wayfinding guide signs also referenced in that memo will fit into the bigger picture, as well as next year's work with the Traffic and Circulation Chapter of the Master Plan and possibly with the Economic Development Advisory Council's (EDAC) work on branding. S. Marchant explained that Bill McKinney met with the NH DOT and the DOT said they are working with many communities who are struggling with this issue. The business communities are coming forward to say we need signage in the Right of way and basic directional signs for special events. The DOT said that some communities have tried this and we were encouraged to add a definition for a "special" event based on some of the experiences and issues of those other communities. So, per the memo, we are proposing a definition for Special Event; *A significant public or private gathering or function with the potential to cause a large influx of traffic or population within a designated area or location for a specified duration of time. A Special Event shall only occur one per calendar year. Sporting events, graduations, religious, military and holiday celebrations, professional multi-exhibitor expositions and trade shows, community events on public or private land and other similar functions shall all be considered Special Events.* The purpose of this signage is directional in nature; to direct the public.

J. Langdell noted that the definition of a *special event* included "once per calendar year." S. Marchant said that one community enacted signage for "events" and a local used car facility held an "event" every weekend which was very frustrating to the community. So, even if a track team hosts a regional event twice a year, they would be two unique events and that definition would still work, but a weekly recurring event wouldn't fit. This is our best attempt to include DOT's suggestion. J. Langdell said all we're adding is the word "special" to what was posted for event signage and adding a definition for "special event."

S. Marchant said there are also a few revisions on the back page; all event signs shall only be within the official designated event sign location map areas which have been revised. The other change to note is that the DOT will not allow signage in their right-of-ways as described here; however, the DOT will allow for an applicant to apply for their electronic signage to use as directions to an event, in the areas we allow for event signs on the location map. NH DOT will be in charge of the roadside signs, that are similar to what our police use, and will regulate the wording as well as the set up of the signs. The applicant would also have the option to go directly to the DOT to request signage in the right-of-way. J. Langdell asked if there would be a cost from DOT. S. Marchant said she did not have any information at this time. If this were to move forward, we would have an informational sheet with contact information, instructions and costs. She also referenced Bill McKinney's memo that provided other options in paragraph 1 such as erecting a permanent sign at some of these locations with changeable copy. The DOT would sign off on the permit and it would fall under our ordinance as long as Milford agreed to be responsible for the signage.

T. Sloan asked if the DOT involvement only applied to specific the DOT locations; 1, 5, 6, 9, 10 and 11 on the map. S. Marchant said yes and added that the Right of ways within the downtown fall under the urban compact

zone which we have jurisdiction to police and maintain. J. Langdell said that the all major intersections where one would want a directional sign, 101A/Elm St, Rte13/101A, and 101A/101, are governed by the State and discussion followed. T. Sloan asked if the electronic message signs comply with our sign ordinance. S. Marchant replied that they are temporary in nature and that police and municipal signs are exempt. T. Sloan said it would be nice if we came close to the requirements for the general public at the same time as facilitating public safety for event attendance. Also, maybe some entities would be interested in the wayfinding signs as they would be attractive for the gateways into town and there may be grant potential. J. Langdell said this fits so well with our gateway discussions. S. Duncanson mentioned that one of the state DOT signs was used at the west end of Elm St during the Pumpkin Festival this year with the message "downtown event – choose alternate route." S. Marchant said that's exactly what they're designed for, a large influx of traffic. J. Langdell said the special event definition will include varying degrees of events like the large Pumpkin Festival and Democratic events at the Dome as well as smaller events like the Congregational Church's annual antique show.

T. Sloan said that Bill McKinney was very helpful to assist with the definition for special events and he would not be opposed to incorporating those changes into our definition.

T. Sloan made a motion to incorporate the revisions as outlined by Bill McKinney and Sarah Marchant. S. Duncanson seconded and all in favor.

Chairperson Langdell opened the discussion for public comment; there was none and the public portion of the meeting was closed.

S. Duncanson made a motion to post and send the proposed amendments, as revised, to the March 2011 warrant. C. Beer seconded for discussion.

T. Sloan brought up price numbering signs, listed as "Item 2; a and b" on page 2 of the staff memo and asked if anyone might construe this as being able to add 30% to the maximum square footage of the allowed signage for the numbering portion. S. Marchant referenced a previous discussion and said if we used total sign allotment it might take up more than 30% because sometimes the total allowed area is larger than the individual sign and includes multiple signs in the calculation. J. Langdell said that is a good point because the way this is written it is assumed that a price numbering sign will be part of a bigger sign. S. Duncanson said he interprets this as 30% of total sign that is allowed, if there was no sign to go with it, the maximum would be 30% of 6 SF S. Marchant said the wording "allowed" could mean multiple signs within that total sign area. T. Sloan said it might be better to be ambiguous than to put have the sign total misconstrued. J. Langdell said another alternative would be to limit a price numbering sign to a section of sign for the numerical display. A discussion pertaining to wording and examples followed. S. Marchant said we currently allow electrical message centers anywhere and the intent for this revision is something very, very specific. J. Langdell said we can put it into practice for a few years and revisit it as needed when we have experiences or if other communities have issues. S. Marchant said the minutes will reflect the intent as well.

J. Langdell called for a vote and all voted in the affirmative.

Article IV, Definitions; revisions to Harvesting of Natural Resources, Hospice house, Health service facilities, Hospital, and Nursing home or facility

J. Langdell said Attorney Drescher had a few other non substantive recommendations for the definitions which we posted and sent to warrant at the last public hearing.

S. Duncanson made a motion to re-open discussion on the above definitions. T. Sloan seconded and all in favor.

The definition for *Harvesting of Natural Resources*, ought to include the words "on-site" in the language.

J. Langdell said that adding on-site to our definition of Harvesting of natural resources will better reflect the intent of our previous discussion.

T. Sloan inquired if it would be considered processing, not harvesting, if it wasn't done on-site. S. Marchant read the definition with the revision *The removal of natural resources, such as timber, freshwater, and earth materials from their natural state on-site*. This stemmed from a recent case using the definition of farm and the key phrase was on the 2nd in line in …. o*n a farm*…. and on-site will just help clarify things.

J. Langdell said the definitions for *Hospice house, Health service facilities, Hospital, and Nursing home or facility* should also include the language "shall include but not be limited to."

S. Marchant said this revision involves the same wording as discussed earlier for Assisted living facilities and would add "shall include but not be limited to" to the beginning of each of the definitions for Hospice house, Health services facilities, Hospital and nursing home or facility.

T. Sloan made a motion to incorporate the suggested language from Attorney Drescher into the definitions that were originally posted at the 12/14/10 public hearing and repost and send the revised amendments to the March 2011 warrant. S. Duncanson seconded and all in favor.

The public hearing was adjourned at 7:20PM.

MINUTES OF THE JAN 4, 2011 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2011

Motion to approve:
Motion to second:

_____ Date: _____
Signature of the Chairperson/Vice-Chairman:

MILFORD PLANNING BOARD PUBLIC HEARING (Draft)
January 11, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Present:

Members:
Janet Langdell, Chairperson
Kathy Bauer (BOS Representative)
Chris Beer
Steve Duncanson
Judy Plant

Staff:
Sarah Marchant, Town Planner
Feral McEleavy, Videographer

Alternate members:
Susan Robinson

Excused: Tom Sloan, Vice Chairman and Paul Amato

Chairperson Langdell called the meeting to order at 6:40 PM. Chairperson Langdell introduced the Board and staff, explained the process for the public hearing and read the agenda.

1. In accordance with the requirements of NH RSA 675:3, the Milford Planning Board will hold Public Hearings on Tuesday, January 11, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall. The purpose of the public hearing is to discuss proposed amendments to the Town of Milford Zoning Ordinance as follows:
   a. Modifications to Article VI, Overlay Districts, Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.
   b. Revisions to Article V, Zoning Districts and Regulations relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.
   c. Add to Article X, Administrative Relief, Section 7, to allow Office use by special exception in the Residence A and B districts.

2. In accordance with NH RSA: 675:7 the Planning Board will conduct a public hearing to amend the Town of Milford Development Regulations, to require one more copy for application submissions.

PUBLIC HEARING

Article VI, Overlay Districts; modifications to Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.
Chairperson Langdell stated that at the January 4th public hearing, this item was tabled to the 1/18/11 meeting. Chairperson Langdell opened the discussion to public comment; there being none the public portion of the meeting was closed. She then opened discussion to the Board. There being none the item will be revisited on the 18th.

Article X, Administrative Relief; modifications to Section 7, to allow Office use by special exception in the Residence A and B districts.
Chairperson Langdell stated that at the January 4th public hearing, this item was tabled to the 1/18/11 meeting. Chairperson Langdell opened the discussion to public comment; there being none the public portion of the meeting was closed. She then opened discussion to the Board. There being none the item will be revisited on the 18th.

Article V, Zoning Districts and Regulations; revisions relative to Acceptable Uses, Acceptable Uses by Special Exception, and changes in terminology.

- ***Add Office in accordance with Section 10.02.7 as an Acceptable Use by Special Exception in the Residence A district, 5.02.02.A***

- ***Add Office in accordance with Section 10.02.7 as an Acceptable Use by Special Exception in the Residence B district, 5.03.02.A***

Chairperson Langdell stated that at the January 4th public hearing, these items were tabled to the 1/18/11 meeting. Chairperson Langdell opened the discussion to public comment; there being none the public portion of the meeting was closed. She then opened discussion to the Board. There being none the item will be revisited on the 18th.

In accordance with NH RSA: 675:7 the Planning Board will conduct a public hearing to amend the Town of Milford Development Regulations, to require one more copy for application submissions.

Chairperson Langdell opened the discussion to public comment noting that this request had come from the Director of Public Works; there being none the public portion of the meeting was closed. She then opened discussion to the Board.
C. Beer mad a motion to amend the Development Regulations to include a total of 4 large plan copies for all applications submissions. S. Duncanson seconded the motion. Motion unanimously approved.

The public hearing was adjourned at 6:47 PM.

MINUTES OF THE JAN 11, 2011 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2011

Motion to approve:
Motion to second:

_____ Date: _____
Signature of the Chairperson/Vice-Chairman:

MILFORD PLANNING BOARD PUBLIC HEARING (Draft)
January 18, 2011 by email

Present:

Members:
Janet Langdell, Chairperson
Tom Sloan, Vice Chairman
Kathy Bauer (BOS Representative)
Chris Beer
Steve Duncanson
Judy Plant
Paul Amato

Staff:
Sarah Marchant, Town Planner

Alternate members:
Susan Robinson
Gary Williams

Chairperson Langdell sent an email at 9:20 am as follows:

> As PB chair I am calling for a meeting of the board via email due to the current and forecasted weather conditions. As you all know by now, local schools are closed, the weather is worsening and the roads are predicted to be very icy tonight.
>
> We have a meeting scheduled for this evening including the public hearing re: proposed zoning amendments in preparation for March Town Meeting. Given what I see outside for weather and the forecast for this evening, I believe that the inclement weather is making it unsafe and impractical for us to hold the meeting and the public hearing this evening and for the public to have an opportunity to attend the hearing tonight. That said would a board member make a motion to table the 1/18/11 public hearing due to inclement weather until Tuesday 1/25/11 6:30 pm in the BOS Meeting Room at Town Hall?
>
> Once the motion has been made I will email back for a second and your vote.
>
> Sarah has indicated that the worksession presentation concerning the BROX property will be rescheduled to the 1/25/11 meeting.
>
> Please reply to all.
>
> Alternates Gary, Susan and Megan, Nate are included in this email for notification purposes only and not to be counted as part of the quorum or voting process.
>
> Thanks, Janet Langdell

C. Beer responded with a motion 'to postpone the January 18, 2011 Public Hearing to January 25, 2011 at 6:30 pm in the Board of Selectmen's Room at Milford Town Hall due to inclement weather.'

K. Bauer seconded the motion.

J. Langdell, J. Plant, P. Amato, T. Sloan, C. Beer and S, Duncanson voted in the affirmative to postpone the meeting.

J. Langdell responded, 'the motion passes, the public hearing is postponed to 1/25. And this meeting via email is now closed and we will not be meeting this evening.'

The meeting was adjourned at 10:44 AM.

MINUTES OF THE JAN 18, 2011 PLANNING BOARD PUBLIC HEARING APPROVED _____, 2011

Motion to approve:
Motion to second:

_____ Date: _____
Signature of the Chairperson/Vice-Chairman:

STAFF MEMO

Planning Board Meeting

January 25, 2011

Agenda Item #1: Soiland, Inc/H2O Waste Disposal Services, LLC – Jennison Rd – Map 8, Lot 38

Public Hearing for a Major Site Plan and Waiver Requests

Background:

The applicant's engineer has requested the application be tabled to the February 15, 2011 meeting to ensure all plans are updated and reviewed per their meeting with Staff on January 13th.