

MILFORD PLANNING BOARD MEETING

January 25, 2011 Board of Selectmen's Meeting Room, 6:30 PM

Members present:

Janet Langdell, Chairperson
Tom Sloan, Vice chairman
Kathy Bauer, BOS representative
Chris Beer
Steve Duncanson
Judy Plant

Excused:

Gary Williams, Alternate member
Paul Amato

Susan Robinson, Alternate member

Staff:

Sarah Marchant, Town Planner
Bill Parker, Community Development Director
Shirley Wilson, Recording Secretary
Feral McEleavy, Videographer

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:

Modifications to Article VI, Overlay Districts, Sections 2 and 4, Wetlands Conservation District, and Open Space and Conservation Zoning District.

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

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:

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)

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

PRESENTATION:

2011 Milford Planning Board Distinguished Site Award.

J. Langdell explained that last year the Planning Board initiated this award to honor and recognize specific sites within the Town of Milford that add to the beauty, the business climate, the vibrancy of this wonderful place to live. This year six nominations were received; Contemporary Chrysler Dodge on Elm St, United Auto Body, Salon South, and Papa Joe's Humble Kitchen on South St, Giorgios on Nashua St, and the winner, Milford Veterinary Hospital on Elm St. J. Langdell presented the 2011 Distinguished Site Award to Drs. Anderson and Kalb in recognition of a commercial site whose thoughtful design, layout and site maintenance can serve as a model of what makes our town attractive, diverse and a vibrant place to live work and play. J. Langdell quoted from the nomination form that "you've set a high standard for continued west Elm St development."

Dr Kalb thanked the Board and her dad, Ray Ambrogi who maintains this site, almost singlehandedly year round.

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Modifications to Article VI, Overlay Districts, Sections 2, Wetlands Conservation District, and Section 4 Open Space and Conservation Zoning District.

Chairperson Langdell explained that a public hearing was held on 1/4/11, but no actions were taken and that there have been extensive discussions with the Conservation Commission on both items in preparation for this. She then opened the discussion for public comment. There being none, the public portion was closed. There were no comments from the Board.

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

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

Chairperson Langdell explained that these modifications are to add office space as an allowable use by Special Exception in the Residence A and Residence B districts. She then opened the discussion for public comment. There being none, the public portion was closed. There were no comments from the Board.

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

Add to Article X, Administrative Relief, Section 7, to allow Office use by special exception in the Residence A and B districts.

Chairperson Langdell explained this item will define the criteria for office use from a Special Exception. She then opened the discussion for public comment. There being none, the public portion was closed. There were no comments from the Board.

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

MINUTES:

C. Beer made a motion to accept the minutes, as written, from the 12/14/10, 1/4/11 and 1/11/11 public hearings. J. Plant seconded. T. Sloan abstained and everyone else voted in favor.

C. Beer made a motion to accept the minutes, as written, from the 12/21/10 meeting. J. Plant seconded. T. Sloan abstained and everyone else voted in favor.

J. Langdell explained that the meeting on 1/18/11 was held by email due to the inclement conditions and the only business conducted was to postpone the public hearing to tonight's meeting. The minutes should reflect that Steve and Chris's affirmative votes were received after the official voting had been closed. They should read "J. Langdell, J. Plant, P. Amato, T. Sloan and K. Bauer voted in the affirmative to postpone the meeting. C. Beer and S. Duncanson also voted in the affirmative, but the emails came in after the meeting was closed."

S. Duncanson made a motion to approve the minutes, as amended, from the 1/18/11 electronic meeting. J. Plant seconded and all in favor.

OLD BUSINESS:

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.

No abutters were present.

S. Duncanson made a motion to table the application to the 2/15/11 meeting, per the applicant's request to insure that the plans are updated and reviewed per the meeting with staff on 1/13/11. T. Sloan seconded and all in favor.

PRESENTATION:

Chairman Langdell recognized:

Bill Parker, Community Development Director

John McCormack, Milford resident and TIFD Advisory Board Chairman

Jim DeStefano, Grubb & Ellis, Northern New England

B. Parker distributed an informational sheet for the proposed warrant articles with a chronology of the 270 acre Brox dated 1/17/11. He then outlined the history and explained how the Tax Increment Finance district (TIFD) works.

There is development potential for the industrial/commercial portion of the property; however, there are significant constrains with the lack of access, only one from Perry Rd to the north, the lack of public water, sewer and improved roadways, and the current economy. The Milford Industrial Development Corporation (MIDC) looked at many ways to market and encourage development of the property and came up with the idea to create the TIF District. The TIFD advisory board, established in 2006, took over the reins to market and develop the industrial/commercial portion of the property. The TIFD Board, with the approval of the Selectmen, hired a professional real estate and development broker and is currently working with Jim DeStefano of Grubb & Ellis, Northern New England, a very reputable established firm. Jim has been very helpful in guiding the Board and the town to get the property out to the public and potential developer. A well-known, very experienced development group approached the TIFD Board about a year and a half ago to look into their potential acquisition of the Brox property and that is the reason we have three proposed warrant articles written as a result of negotiations with this development group. Whether or not the deal with this group goes through really has no affect on the need to put these warrant articles into effect because they will be utilized as tools to further market the property in case this particular deal doesn't go through. B. Parker added that each of these warrant articles have been reviewed and worked through by the town attorney.

The first warrant article is to establish the Brox Properties Public Infrastructure Improvement Fund to allow a separate mechanism for a trust fund for monies that can come in from various sources to be used to fund infrastructure for the TIF District. If this passes, monies from the sale of the former police station property can be paid into this development fund to be used as seed money to start the infrastructure. It won't cover all the work, but certainly pays for a portion of the upfront work.

The second warrant article gives the Selectmen authorization to place the proceeds from the sale of the former police station property into that fund.

The third warrant article is a housekeeping measure. When the Selectmen were given authority to sell the Brox property, the area was zoned industrial and in 2007 that area was rezoned to ICI-2 which allows more mixed commercial/industrial uses out at that location to accommodate what we see for long range planning in that part of town.

B. Parker explained that the conceptual map being used for the presentation was commissioned by the TIF Board and done by Meridian Land Services, Inc. It is used as a marketing tool to show how much development could occur out in the TIF district. It is based on a 2003 preliminary engineering plan and shows upwards to 1M SF of potential developable building footprint. That is quite a significant addition to the tax base and the intent of these warrant articles is to creating another way to get things going on the 120 acre industrial portion of the Brox property that the Town owns. The community land portion to the south is approximately 150 acres and that was master planned out in 2004/2005 for community uses. The Planning Board played a large role in planning it out for the next thirty years. There is room set aside for schools, recreation areas, cemeteries, and other town facilities as needed, conservation areas with a significant wetland bog, and trail systems that would all be tied in together. There was also gravel and sand resources in the community lands area that the town has gotten significant value from.

J. McCormack said that the MIDC, driven by Al Hicks, worked for six years to market and develop this property and the TIF creation was part of that effort. Al continues to provide good background and advice as a member of the TIF Advisory Board. J. McCormack reiterated that the challenges of this property were the lack of infrastructure and the single access which were quickly identified by developers and anyone interested in the land. We brought in Grubb & Ellis about two and a half years ago and their progress has been well thought out and executed. The conceptual plan was also done to confirm wet areas of the land and the town also cleaned up the property to make it more marketable. This property will be difficult to develop and the particular developer we are working with has a vision and plan in mind, but no one is certain of the outcome and it will be a period of exploration. They do see this area and some of the adjacent property as the entrance to west end of Milford and potentially part of a larger master plan for this area. Part of the approach of this developer is to work with the town officials, especially the Planning Board, to move ahead with development in a fairly expeditious fashion, if they can move forward. In order to properly develop this property and provide enough access, there is probably not enough land to justify the expense, so this project could go out 10, 15 or 20 years and may include some adjacent parcels. We are still in negotiations with the developer, but this would represent an opportunity for us to better understand what the potential is for that property and we would be the beneficiary of any investigation or findings. After more than four years of trying to market this TIF property, this will be an excellent learning opportunity. While the warrant articles were written with a particular developer in mind, they make sense no matter who we work with in the future.

J. DeStefano said they have had this listing for three years and it has been a long effort. Any information on the current industrial/commercial real estate market in the Northeast would be meaningless as it relates to this property, because we are looking at a long term approach to developing the Brox property. There is certainly enough of an industrial base to attract other users to this area, but we are marketing raw land. A huge benefit of this proposed agreement will be to find out what can be developed out there and the town will be left with the all the research that the developer put into this property. We can't really get into any specifics; however, the developer certainly knows the Souhegan Valley and sees the vision of how this property is situated between Manchester and Keene. There is plenty of land for developers to choose from in southern New Hampshire including Hooksett and Londonderry's large master planned multi-use developments, but this developer would hopefully come in and do their best to create a master plan that would maximize the tax base with a quality grade, environmentally sensitive development and essentially become a partner to work with. Hopefully we will have positive results.

B. Parker said we did a quick analysis of property revenues when we were looking at re-zoning this property and on commercial/industrial development it roughly came to \$1 per SF of building/site development for property tax

revenues. We are looking at 800 to 1M square feet in future development in this area alone, although it wouldn't happen overnight as this is long range project and right now we'd be lucky to get 20,000 to 30,000 SF every three years. We are looking ahead to when the developer or end users are identified, so that they could work quickly with the town to put up a building that meets the town's guidelines and requirements. Also its not just tax revenue we're looking at; jobs go along with development. It just makes sense to do all we can to assist the Economic Development Advisory Council's efforts to promote the economic development and vitality of Milford.

J. Langdell said the stars are coming into alignment, because in addition has been discussed, we are also at the start of the cycle for the next ten-year transportation plan revisions for the State of New Hampshire. We could promote changes for this area, possibly moving forward with a new access point off 101. B. Parker said both the Selectmen and Planning Board have sent letters of recommendation and we are working through the Nashua Regional Planning Commission, to get to the State. If an additional access off 101 is a high priority for the town that makes it an even greater priority on a regional level and if it get into the state's ten-year plan, you never know what might come along; not that the State has any money for funding. If we can get all the pieces together ahead of time and if this agreement goes through, this particular development group will look at a feasibility study for that access. The town certainly doesn't have those funds, perhaps this developer does and they are well versed in working with the State. That information will certainly help us with the long range development of this area in a good way.

K. Bauer inquired if this plan would even be feasible without the access from the bypass. B. Parker replied it would be feasible in a whole different way. Commercial/industrial users would like easy access on and off, but there may be other users that don't need that access and this would all be part of the developer's due diligence. J. Langdell said this is not a new concept, tied to this particular plan; we've been talking about an additional access in that area for many years. B. Parker said we even have an access point that has been identified from a traffic study ten years ago. There is a spot conceptually located to the east of Perry Rd that may serve a greater need. K. Bauer brought up State resistance. B. Parker said he never spoke directly with the State but had heard that the State wanted to keep it limited access between the lights at 101A, but times have changed and the State is aware that they have to promote economic development and make development easily accessible. There has been discussion about an east-west highway and maybe the State would be supportive because this issue probably hasn't been looked at since the bypass went in during the 1970's. J. Langdell said we are all on the same page, we just need to convince the folks in Concord and it behooves our NRPC commissioners and TTAC representatives to get support from our regional representatives so we can promote this as one of the priorities for our region. B. Parker said that's important because our access would go up against projects already in the ten-year plan like the southbound exit across the state line to get to Pheasant Lane Mall, the three lane widening project for Rte 3, 101A improvements, the Hudson circumferential highway, and the rail corridor. Our access is very critical to us and we have to make sure it is as important at a regional level to compete with the other projects.

K. Bauer said as word of this general concept has gotten out, it has raised reactions from people who live on that side of town again about west end traffic. She referenced the Land Quest workforce proposal from a few years ago, and said there were concerns with traffic at the 101/Old Wilton Rd/Savage Rd intersection. How would this development affect the traffic? B. Parker said that's where master planning this whole area would come in. The developer working with the Planning Board doing the necessary traffic studies, and knowing what the impacts from potential development to come up with ways to get the funding to make the necessary improvements. That is what happens with growth and development. J. McCormack said it's very clear that right from the outset we'd identified the access constraint this property had. It was also quickly identified by the developer that in order for this to be successful it would need access other than from Old Wilton Rd. The ideal situation would be access off 101 and if that doesn't happen, we would probably be limited a much smaller development or some subset, but maybe that will be all that we can sell. Kathy's right, this will not be attractive to the investor or the end user if there is poor access; they will not develop there. Better transportation and better access will have to happen for this to move forward. B. Parker added that if we're so fortunate to get another access off 101, that would relieve some of the traffic congestion at the Market Basket intersection. What's always been a constraint, especially since the elementary school was built, is that there is only one access and all the traffic uses Mason Rd or Savage Rd to get to Whitten Rd. We've always shown a road extending from Perry Rd to Heron Pond Elementary School which would allow a lot of traffic to use another access point. That would all be incorporated into a future master

plan as well as possible links to Mason Rd from the east and more alternatives we have for vehicles, theoretically the less congestion we will have in other areas. K. Bauer asked if the developer would pay for water/sewer. J. McCormack said we have an assessed value for that former police station property of \$500K and that wouldn't begin to fund the infrastructure for the TIF property, but it would be seed money. Our target would be for the developer to pay for the infrastructure and we would get it back through the sale of the land; ultimately it has to be cash flow positive for us and it has to make sense.

F. Elkind said the Conservation Commission was grateful for the opportunity to be able piggy back onto this good discussion. The things we will be discussing are not of a particular weight, but we would like to plant the seeds and direct some future thinking. He then presented a map showing properties under the control of Milford or adjacent towns that provide opportunities for interconnecting trails and outdoor enjoyment experiences that we think are very important. There is good effort to try to get coverage across the entire town through existing trails, future connections, and protected areas. It would be ideal for every neighborhood in Milford to gain access to these properties through a trail system in one form or another. Our successes have been good and appreciated; the trails are highly used. The Conservation Commission would like you to think about trails and connections as development of the Brox property moves forward. We need to maintain access through these properties, not by limiting their use, but to be able to work with the developer ensuring those trails and accesses for future enjoyment of the land. There are some unofficial trails within the Brox property right now and the Selectmen recently gave the Conservation Commission some authority to maintain those trails with the understanding that things can change in the future, but recognizing the importance of the trail system there. There is also the potential for a trail at the former police station property that would run along the Souhegan River. As that property develops it will be critical for access through that property if we are to see a trail that follows the southern boundary of the Souhegan River. We'd rather see a trail along the river's edge than a roadblock to pedestrian traffic through that area. J. Langdell inquired if there are trails on any of the adjacent properties now. C. Costantino replied yes, there is an unofficial trail all along the river from the new bridge down to the former police station and we want to protect what's there. The public is not aware of this, but there are users. F. Elkind said we will need help to make it official as time goes on. There are also properties such as the rail trail towards the oval that we'll be coming to the Planning Board suggesting the need for easements. J. Langdell said the timing is good and if we do start moving forward on the west end of Milford, Conservation will be at the table and we will consider the best comprehensive picture for the Town of Milford.

T. Sloan thanked the Conservation Commission for presenting these conceptual ideas to the Board and to the people behind this project to let them know that there are opportunities for corporate stewardship and that they can certainly advertise that they are proponents and partners with the Conservation Commission in trying to maintain properties with regard to the environment and to the enjoyment of the community at large. This also invites others, like the developers and industries who choose to locate here, to be a part of the ecological stewardship. J. Langdell asked if the map was on the website. F. Elkind said he would make sure it was. B. Parker said as a follow up to Tom's mention of opportunity for corporate partnership and stewardship, this particular developer does have a substantial record of being an environmentally sensitive developer. This is a huge opportunity for the Town and the Planning Board to really master plan a good development for the future.

T. Sloan said he appreciated the warrant article presentation and is in support of the warrant articles as described. He wondered if there would be other funding opportunities available once the fund is created, such as community development block grants or other grants? And, is it dependant on the existence of the fund for monies from other groups. B. Parker said, per Attorney Drescher, the Town does need to establish this particular fund that would go specifically for Brox and TIF district infrastructure, but that's not to say that other money couldn't be found and we will certainly continue to pursue any funding opportunity. This fund is essential to appropriate funds specifically from the sale of the former police station. T. Sloan asked if the funds would be limited to just money from the sale of that property or will the mechanism of creating this fund be used as a means of securing additional funds. B. Parker said the fund would not be limited to just the proceeds of the sale and it could be a mechanism to secure matching funds from other sources.

J. Langdell asked for a consensus from the Board regarding the three warrant articles. S. Duncanson said he needed more information in order to make a decision. K. Bauer, J. Plant, C. Beer, T. Sloan and J. Langdell said they would be very much in favor of supporting all three warrant articles.

OTHER BUSINESS:

T. Sloan asked Fred if the Conservation Commission had discussed the need for an additional member for the SorLac? F. Elkind replied that they are in the preliminary stages of feeling their way through the change in Diane's involvement.

J. Langdell asked if there had been any response to Tom's email dated 1/24/11 regarding the School Water Testing Project through the USDA. T. Sloan noted that Sarah had forwarded it on to those responsible and best likely to facilitate cooperation in the program.

There was no other business and the meeting was adjourned at 8:30PM.

MINUTES OF THE JAN 25, 2011 PLANNING BOARD MEETING APPROVED FEB 15, 2011

Motion to approve: S. Duncanson

Motion to second: C. Beer

Signature of the Chairperson/Vice- Chairperson:

Date: _____