

MILFORD PLANNING BOARD MEETING

February 15, 2011 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

Excused:

Gary Williams, Alternate member

Susan Robinson, Alternate member

Staff:

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

Rod Watkins, Perspective member

PUBLIC HEARING

In accordance with the requirements of NH RSA 675:7, the Milford Planning Board will hold a Public Hearing on Tuesday February 15, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall to amend the following sections of the Town of Milford Development Regulations:

1. Article IV, Section 4.013, Revocation of Approval,
2. Article VII, Section 7.01, Roadways - General
3. Article VIII, Section 8.01, Posting of Performance Securities

MINUTES:

4. Approval of minutes from the 1/25/11 meeting.

NEW BUSINESS:

5. **Cahill Place, LLC – Nashua St – Map 32, Lot 4.** Public Hearing for a proposed site plan amendment to amend the age requirements for an existing 49 unit senior housing development.
(*new application*)

OLD BUSINESS:

6. **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 1/25/11*)

Chairperson Langdell called the meeting to order at 6:45PM, due to technical difficulties, and introduced the board members and staff.

PUBLIC HEARING:

In accordance with the requirements of NH RSA 675:7, the Milford Planning Board will hold a Public Hearing on Tuesday February 15, 2011, at 6:30pm in the Board of Selectmen's meeting room at the Town Hall to amend the following sections of the Town of Milford Development Regulations:

1. **Article IV, Section 4.013, Revocation of Approval,**
2. **Article VII, Section 7.01, Roadways - General**
3. **Article VIII, Section 8.01, Posting of Performance Securities**

Chairperson Langdell explained that these revisions have come out of a recent review of our Development Regulations by Town attorney, Bill Drescher and they have been reviewed at our last worksession. S. Marchant said the idea behind the revisions is to bring our regulations more in line with the State RSA's that have changed since our regulations were last updated and will clarify any questions about road regulations and required maintenance. This will clearly lay out that the Town is not responsible for maintenance until such time as the roadway is accepted and to also be very clear about posting securities. If for any reason, an entity who posts security for development becomes insolvent or is in bankruptcy or foreclosure we will have the ability to require new security if there is concern that the security will no longer be valuable to us.

J. Langdell brought up the error reference "source not found" on the copy of the proposed revisions and asked what the final wording will say. S. Marchant said that will be a reference to the exact location in the appendix.

T. Sloan said he was not at the first meeting and his first exposure to these proposed changes was in the local newspaper. It led him to believe that these changes would prevent the issues we've faced on a couple of occasions in town with regard to school busses not wanting to travel on roads that weren't accepted, residents being very unhappy with road conditions and roads not being plowed; however, these revisions aren't going to address those issues. S. Marchant said that the Selectmen are working on a policy. K. Bauer added that Guy Scaife was very much in favor of this policy and it should be ready for next year's winter maintenance.

Chairperson Langdell opened the discussion for public comment. There being none, the public portion was closed.

C. Beer made a motion to adopt the proposed amendments to the Development Regulations, with the stipulation that the correct appendix reference will be inserted. J. Plant seconded and all in favor.

MINUTES:

P. Amato noted that he was listed as both present and excused from the meeting. J. Langdell said his name would be removed from those members present.

S. Duncanson made a motion to approve the minutes, as amended, from the 1/25/11 meeting. C. Beer seconded and all in favor.

NEW BUSINESS:

Cahill Place, LLC – Nashua St – Map 32, Lot 4. Public Hearing for a proposed site plan amendment to amend the age requirements for an existing 49 unit senior housing development.

No abutters were present.

Chairman Langdell recognized:

Jay Heavisides, Meridian Land Services, Inc.

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

J. Heavisides presented plans dated 12/14/10 and explained that the purpose of this amendment was to revise the age restriction on these condominium units that were approved in 2003 at 62 years and older. Last year the Town

changed the regulations to be fifty-five (55) and older and this will bring the plan into compliance. S. Marchant verified that all the condominium documents have been officially changed so that this plan would not have to be recorded.

J. Langdell read the Staff recommendations dated 2/15/11 and noted that recommendation #3 has been completed. J. Langdell inquired about note #14 stating *24 bedrooms proposed*. S. Marchant clarified that the original plan was approved for 49 bedrooms. J. Heavisides stated that the type would be corrected to reflect 49 not 24 bedrooms.

Chairperson Langdell opened the discussion for public comment. There being none, the public portion was closed.

J. Langdell asked if there has been any positive impact since the change to fifty-five (55) and older in regards to occupancy; has there been more interest or have they been able to rent or sell more condos. J. Heavisides replied that he did not have any information on that matter. S. Marchant added that through emails with Tricia she had heard there was more interest and they were able to find more renters in this age bracket, but due to the economy they have not sold anything.

T. Sloan made a motion to approve the application subject to the conditions in the Staff memo and to correct note #14. S. Duncanson 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.

D. Tuamala presented a revised plan superseding the previously submitted plans dated 1/31/11 and said she met with various town officials since December. The building and layout will stay the same but the revised plan shows:

- The location of a sign, which was not previously requested;
- Note #26 has been added to state *“There shall be a proposed sign at the intersection of Jennison Rd and Hayden Ln. The sign shall meet the Town of Milford sign ordinance requirements. A permit shall be applied for and issued by the Code Administrator”*;
- Note #27 will address staff recommendation #5 and will state *“The site is protected by test wells that were installed in the 1980’s by the NH DES for site monitoring of groundwater from previous activities on the site.”* We have just received authorization that we can use the site for the solid waste facility. We don’t have the permit yet because we needed that approval before we could apply for the permit and we will also need at least a conditional approval from the Town to get the permit from the State;
- The bearings and distances have been set around the area to be used for the recycling center;
- From discussions with staff, we enlarged the detention area. It is shallow so the berm has been moved out to detain all the runoff from the site. She explained the flow and said the water will be well treated;
- The plan shows lighting over the corners of the building and over the side door and we have added note #29 stating that *“All lighting will be downcast”*;
- We will have the easements ready for submittal with the final plan set;
- Notes 20 and 25 will be amended when the permit numbers are received.

J. Langdell said this is an industrial business in a residential zone that isn’t visible so we haven’t asked for any architectural for this project. S. Marchant said that the Board was supplied with a basic picture and all building related information will be taken care of as part of the building permit process.

K. Bauer brought up the Code Enforcement comments stating that this building will not meet State building codes for snow and wind loads. D. Tuamala said that we have a structural engineer that will be working with the town to make sure that the building will comply with all codes. K. Bauer asked if that should be a condition of approval. S. Marchant said that Code Enforcement just wanted this clearly noted up front so that there would be no surprises when the applicant came in for a permit and they would be aware that they would need engineered stamped building plans. P. Amato said that should not hold up the planning process. S. Marchant said no, not unless the footprint were to change significantly.

S. Duncanson agreed that this is an industrial building in a residential area that will not be visible, but now they are asking for a sign at the road. Why would a sign be needed if there will not be public traffic. D. Tuamala replied that there are several businesses back there and they would like a four line sign to list each business with an arrow pointing the direction. Trucks are going right past Hayden Ln and having to turn around in a more residential area. S. Duncanson reiterated that he thought this road was only going to be used by H2O staff and that this building would not be used by the public. D. Tuamala pointed out the other businesses on the plan. J. Langdell said the fact that other businesses historically have been out there was established at the last meeting. The public will see the sign, not necessarily the building. P. Amato inquired if signage was allowed in this district. S. Marchant answered that off-premise signage is permitted with the permission of the property owner but there are very specific guidelines and regulations. The maximum size for a sign is 16SF with a maximum height of 8 ft above ground. K. Bauer and S. Duncanson commented that was very large for a residential area.

S. Trombly said that he's been there since the 1980's and historically he gets a phone call from a trailer truck driver up on the Jennison and Joslin Rd intersection trying to find him. It is easy to go right by this road because it is right at the fork of Jennison and North River Roads. Now is an opportune time to put a sign up to list these businesses that are there. It will keep large trucks from trying to turn around in a residential area and will do more good than harm. J. Langdell added that the applicant can obtain an off-premise sign permit without coming before the Planning Board; we do not approve signage.

Chairperson Langdell opened the discussion for public comment. There being none, the public portion was closed.

Chairperson Langdell reviewed staff comments and recommendations from the memo dated 2/15/11.

P. Amato made a motion to approve the application subject to the recommendations in the Staff memo.

J. Langdell suggested adding the condition that the building meet all regulations and codes as this is the first time in many years that we haven't had a building plan that met building specs and codes. P. Amato said this may be the only one we've known about and that should be handled between the applicant's engineer and the building department during the building permit process. We are agreeing to the footprint and design of the building on the site plan and it is not in the Planning Board's purview to say whether the building plan meets state codes. Discussion followed. S. Marchant added that under the new RSA, any notes that aren't included on the Planning Board's conditional approvals have to be recorded on a separate document, so if this is not really necessary and sufficiently covered in the minutes, it may be best to not have the applicant incur the additional HCRD and LCHIP fees to record the additional condition. C. Beer agreed with Paul saying that Code Enforcement was simply making that information known in advance and it is not our place to dictate whether the building can or can not meet snow load. J. Langdell said it is our place to respond to what is presented to us in staff comments through interdepartmental review and that is what we are doing.

J. Plant seconded; K. Bauer, P. Amato, T. Sloan, J. Langdell, C. Beer, and J. Plant voted in favor with S. Duncanson voting in the negative. The motion carried by a vote of 6-1.

OTHER BUSINESS:

T. Sloan made a motion to recommend re-appointment of Paul Amato, Janet Langdell and Judy Plant as full members and Susan Robinson as alternate member for three year terms. C. Beer seconded and all in favor.

J. Langell noted that there will be a joint worksession on 2/22/11 with the BOS, Planning Board, Conservation Commission, TIFD, EDAC, and the ZBA regarding potential development regulations and guidelines for the west end of Milford.

There was no other business and the meeting was adjourned at 7:20PM.

MINUTES OF THE FEB 15, 2011 PLANNING BOARD MEETING APPROVED MAY 17, 2011