

1 MILFORD PLANNING BOARD WORK SESSION MINUTES ~ APPROVED

2 December 1, 2020 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman
6 Tim Finan, Vice Chairman
7 Paul Amato, Member
8 Janet Langdell, Member
9 Pete Basiliere, Alternate Member
10 Laura Dudziak, Selectmen's Rep.

Staff:

Kellie Shamel, Planner
Darlene Bouffard, Recording Secretary
Lincoln Daley, Comm Dev Director

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12 **Excused:**

13 Susan Robinson, Member
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18 **MEETING PREAMBLE DURING COVID-19 EMERGENCY**

19 *Good Evening, as Chairman of the Planning Board, I am declaring that an emergency exists and I am*
20 *invoking the provisions of RSA 91-A:2, III (b). Federal, State, and Local officials have determined that*
21 *gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to*
22 *combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is*
23 *imperative to the continued operation of Town government and services, which are vital to public safety*
24 *and confidence during this emergency. As such, this meeting will be conducted without a quorum of this*
25 *body physically present in the same location.*

26 *At this time, I also welcome members of the public accessing this meeting remotely. Even though this*
27 *meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct*
28 *and decorum apply.*

29 *Public comments will be limited to three minutes per person. Any person found to be disrupting this*
30 *meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that*
31 *person will be removed from this meeting.*

32 *Please note that all votes that are taken during this meeting must and will be done by Roll Call Vote.*

33 *Let's start the meeting by taking a Roll Call attendance. When each member states their name, also*
34 *please state whether there is anyone in the room with you during this meeting, which is required under*
35 *the Right-to-Know Law.*

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37 Members and staff were polled individually: T. Finan was in the room alone; J. Langdell at her home in the
38 room alone; P. Amato was at his home in the room alone; P. Basiliere was at his home in the room alone; K.
39 Walsh was in Community Development alone.
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41 **1. Call to order:**

42 Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members and
43 staff,
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45 **2. Public Meeting:**

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47 **a. Robert Kokko and Patch Hill Development LLC – Review and recommendation for a parcel**
48 **without frontage on a Class V road or better, Parcel is located at Milford Tax Map 9, Lot 2 - L.**

49 Daley indicated he is representing Robert Kokko on this application. J. Langdell mentioned that the
50 advertisement in the Cabinet read "the Planning Board will hold a scenic road hearing" and then the rest
51 of the ad was okay, but to have it on the record, it should have said "public hearing" not "scenic road
52 hearing". J. Langdell understands this was probably a cut & paste error, but it jumped out to her. D.
53 Knott asked about that hearing. L. Daley said this application is not a hearing, it is a discussion to allow
54 the town to issue a building permit on a road without frontage. It is not a hearing, only the CIP is a
55 hearing tonight. L. Daley does not believe it is an issue, it is just a discussion and it is for a Planning

Board recommendation to the BOS only, not a decision. T. Finan said the only issue would be for the public hearing, which is for the second item on tonight's agenda – the Capital Improvements Plan. Was this posted elsewhere, other than the Cabinet? J. Langdell said the way it was posted in the Cabinet, was public hearing for CIP, it was just the title part for "scenic road hearing", we just need to acknowledge the error.

L. Daley acknowledged the error, and stated tonight's first item is for issuance of a building permit for a lot of record without frontage, the Planning Board is required to review the application and provide a recommendation to the Board of Selectmen on issuing a building permit for this property. The property is 11 acres at the end of Summer Street just past the cell tower. The parcel has no legal frontage. The application received a variance from the ZBA for less than the required frontage of 150' on a Class V or better road. The application would use a private easement to access a single family home lot. It will be an estate lot and will not be further subdivided. The easement is part of a past subdivision plan. A driveway plan was provided as part of the ZBA application. Officially the recommendation will be to support the issuance of a building permit for the one home. P. Amato asked where is the Patch Hill subdivision located in reference to this parcel and was this lot ever a part of the Patch Hill subdivision? L. Daley answered no, this was part of a subdivision owned by Michachunk that was never developed.

J. Langdell asked when this lot was created? P. Amato said as long as it was not ever deemed unbuildable, he is okay with this. L. Dudziak asked who will be responsible to maintain the easement? L. Daley said the easement of Summer Street will be maintained by the property owner and there will be an indemnification clause created to indemnify the town for any of that maintenance. It is the responsibility of that owner to maintain. T. Finan asked if this lot can be developed further? L. Daley said it cannot. T. Finan asked if there was access from Amherst to this lot, could it be further developed? L. Daley said the property grading is very challenging with no frontage but they would have to come to the Milford Planning Board if they were thinking about further developing it. J. Langdell asked if Michachunk would be able to build on the remaining smaller skinny strip? L. Daley responded that they would need to go through a similar process as Mr. Kokko is going through. P. Amato asked if this owner owns the property in Amherst? L. Daley pulled up the Amherst records to see who owns it, and yes this owner owns the Amherst portion and it is surrounded by open space.

P. Basiliere said if Milford goes along with the easement, does that mean the narrow piece is unbuildable? L. Daley said the owner of that parcel would need to go through the same process as Mr. Kokko. P. Basiliere said they could develop it? L. Daley responded yes they could. P. Amato said the driveway easement goes right through the middle of that skinny parcel. L. Daley said based on the location of the driveway for this home, there could be room to develop the lot. P. Amato said they could develop the top portion of the skinny lot. D. Knott said that would need to go through the ZBA, Planning Board and Board of Selectmen because of lack of frontage, just like this application. L. Daley said one requirement is that they need to make the grade work for the driveway to be less than 10%. P. Amato asked how long will the driveway be? L. Daley said it will be more than 300 feet. T. Finan asked is there any issue with the cell tower fall zone? L. Daley responded that the tower is 120' and it does not appear it will interfere with the driveway, adding that when that tower was designed, it was designed to "crumple up" if it falls. D. Knott asked if the "indemnification clause" will cover that as well? L. Daley said that is what an indemnification clause does, it will release the town from any of that. The applicant understands that. D. Knott asked if there were any further questions from the Board? P. Basiliere said it appears that the driveway does not come off the Summer Street but comes off the cell tower driveway. L. Daley said that is incorrect, it comes off Summer Street and the property owner has the right to develop their lot.

P. Amato indicated they have the driveway designed, we just need to make sure they get an Alteration of Terrain based on the amount of disturbance. J. Langdell said this lot predates the Patch Hill subdivision but was it part of the ownership package? L. Daley said he does not have that answer tonight. P. Amato said as long as it was not deemed unbuildable, he is okay with it, the Patch Hill open space was deeded to the town. J. Langdell was just curious about the ownership and history of the lot. P. Basiliere said for the access for emergency vehicles, the town will be indemnified, but are we going to make sure the emergency vehicles can get up there? L. Daley said the criteria is that the driveway must be less than a 10% grade. As part of the driveway permit, there is a driveway profile to meet the regulations.

P. Amato moved that the Planning Board recommendation to the Board of Selectmen is to issue a building permit for this plan. T. Finan seconded. A poll was taken: P. Basiliere yes; P. Amato yes; T. Finan yes; J. Langdell yes; D. Knott yes.

- b. Capital Improvements Plan (CIP) Public Hearing** - L. Daley provided a brief presentation for the CIP and if the Planning Board wants to talk about additional items we can. Through this process, the CIP Committee determined what to identify as planned projects to be placed on the CIP. Last year, there were a couple of projects that might have scored lower but because of the criteria, which was safety-based, the group felt that it was important to include social service items to offset those projects with no safety benefits. The list establishes the basis of placement of a project. The water and wastewater projects over the next six years are quite costly and primarily paid for by water/sewer users. Because these projects benefit the entire town as a whole, it is felt the cost burden should be considered for more cost sharing.

J. Langdell asked about the emergency service communications system (Garden Street), is that for a town meeting warrant article? L. Daley said the AT&T proposal is separate from the cost in the CIP. P. Amato said it is different, but the projects are intertwined. L. Daley said they are separate, if AT&T were to have an agreement with the Town, it might save some money for the town. T. Finan said they are trying to separate the two projects. P. Amato wants to make sure we put on the CIP what the plan is. L. Daley said the AT&T tower will require Planning Board and ZBA review and approval. The CIP project is to move forward with a dispatch and communication system independent of any AT&T agreement. For the warrant article and for simplicity, they are separating the two actions. P. Amato asked will this be a Milford only communications center? L. Daley said yes, but if other towns want to be customers, they could become customers of Milford's communication center. J. Langdell said when this is presented for the public, the amount listed is not actually the cost, is there another way to add that? L. Daley said yes, there are some Federal Funds for some of these projects. J. Langdell said that should somehow be a part of that spreadsheet. L. Daley said the sidewalk projects were rated second highest for two years in a row and still were voted down. P. Amato said we should show on the printout the water utilities projects affecting the rate payers. L. Daley said they plan to do a rate analysis in 2021 so the information was not available for the CIP Committee for the draft.

P. Basiliere agrees the cost for rate payers should be a part of the presentation. J. Langdell finds it hard to believe that water utilities cannot base it on past usage to come up with a cost for rate payers. L. Daley agreed, because we need to understand how the costs are going to affect taxpayers and rate payers. D. Knott asked if there is any way you can leverage the water commissioners to provide information and an understanding of what is going to be asked of the tax and rate payers in the future years. L. Daley said he can ask for something for the increase to be seen in 2021. P. Amato said the town residents do not like when they are told they have to pay it no matter what. L. Daley said these required upgrades for water utilities, are Federal requirements and if towns do not comply, the town can face fines for non-compliance with a Federal permit. P. Amato said even if it says it will affect the rate by a certain percentage, it will be significant. T. Finan said the Water Commissioners have a rate meeting to discuss the rates. No one ever attends, but at deliberative session, the Water Commissioners are there and they will have to answer to these questions. L. Daley indicated the cost being allocated for 2021 is for public outreach to determine what the requirements are and engage the Commissioners and Board of Selectmen to determine priorities of each project.

P. Basiliere said the Warrant is for the Board of Selectmen and the BOS can specify the language; it needs to identify what the cost is for rate payers or for taxpayers. L. Dudziak asked when this will be presented to the BOS? L. Daley said after this Board reviews and accepts the CIP, the BOS will get a presentation. L. Daley said in 2022 the water utilities have about \$6 million of improvements, the 2021 CIP is to identify (through engineering) the projects that are needed. P. Amato said if this was more than \$137,000, would the Planning Board look at it differently? L. Daley understands and will reach out to the water utilities and Water Commissioners. D. Knott said there is a sense from the Planning Board that there needs to be more clarity on the cost. P. Basiliere asked that on the spreadsheet, the Town costs and School costs should be identified for clarity. P. Amato commented that the CIP Committee did a great job. J. Langdell said this is the first time the Planning Board has seen this document, it has been a Covid

year, so things have not gone according to plan. L. Daley said this is the completed Draft that has come to the Planning Board. Because this is the first time the CIP has been before the Planning Board and it is the public hearing we are not at number 6, we are at number 2, 4 and 5 of the process. L. Daley indicated this draft has also been provided to the Budget Advisory Committee. L. Daley believes the only changes he expects are to the water and sewer rates that are outstanding, but he does not expect any other substantive changes. P. Amato asked when this can be moved to the BOS since we do not have water utility rates. D. Knott said it has been mentioned that there have been multiple meetings over the last 8 weeks and there were a lot of obstacles in order to get that to happen.

T. Finan said all of the comments made tonight are valid, but are they valid for the CIP process this year or future years? P. Amato said nobody votes on the CIP. T. Finan said the sole purpose of the CIP is to provide to the BOS for budget consideration. Will the rates that are not included in this CIP affect the BOS budget considerations? Maybe. L. Daley said the rates for water and sewer will be discussed at deliberative session. L. Daley said the recommendation for the BOS is for the projects that would affect tax and rate payers, for the rate analysis in 2021 it will be important to split out how the projects will be paid for.

P. Amato said the BAC should be asking about the costs to the rate payers. J. Langdell said part of the Planning Board function is to talk about long term costs. D. Knott thinks this was a good discussion tonight, we should accept it with the changes notes and typos to be corrected and lets move forward. P. Amato like the idea of sending the CIP with a letter that the CIP is lacking in certain areas but in order to complete the document, it should be moved forward to the BOS. All concurred.

J. Langdell said this is a public hearing, and the public should be asked if they have any input. D. Knott opened the public hearing for questions or comments. If anyone would like to speak, they can press *9. L. Daley sees there is nobody in the waiting room to speak. D. Knott closed the public portion of the meeting.

L. Dudziak agrees there needs to be further discussion regarding the water utilities presentations and how those projects will be paid for. Last year, the BOS knew there were some expensive water utilities projects coming up. P. Amato expects that the \$137,000 study will be looking at rate payer considerations and how much money they would like the town to pay versus rate payers. P. Amato said the town has a history for large projects that have gone to all tax payers. The issue is the EPA permit that requires upgrading everything, and it is not clear where it gets categorized. P. Amato feels it is a major change and not just a maintenance issue. That will be looked at under that study. P. Basiliere said another element should be that only the rate payers should be able to vote on those items. P. Amato said we would need to look at the RSA for that, he is not sure that can be done.

J. Langdell moved to accept the CIP as presented with the minor typos and corrections noted. P. Amato seconded. Further, J. Langdell indicated that information regarding the rate impact of the planned water and sewer projects in the next six years will be coming forward. A letter stating there are certain areas that are not included in the CIP at this point should be attached when moving the CIP forward to the BOS. A poll was taken: J. Langdell yes; T. Finan yes; P. Amato yes; P. Basiliere yes; D. Knott yes.

L. Daley asked if the Planning Board wants to ask staff to write a letter to the BOS on its behalf? D. Knott answered yes and that should be part of the motion. J. Langdell amended her motion to add that the Planning Board requests staff to write a letter to be sent with the CIP to the BOS explaining what is currently missing in the CIP. P. Amato seconded. A poll was taken to amend the motion: J. Langdell yes; T. Finan yes; P. Amato yes; P. Basiliere yes; D. Knott yes.

3. **Discussion / Possible action regarding other items of concern:** The next Planning Board meeting is December 15, 2020, with one conceptual discussion and one condominium conversion application. The first January meeting is January 5, 2021 which will be both ZBA and Planning Board. K. Walsh will confirm that those notices are written correctly.

- 224 **4. Adjournment.** The meeting was adjourned at 8:15 p.m. on a motion made by T. Finan and seconded
225 by P. Basiliere. All were in favor. Motion passed unanimously.

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228 _____ Date: _____
229 Signature of the Chairperson/Vice-Chairperson:

230 **MINUTES OF THE 12/01/20 MEETING WERE APPROVED 12/15/2020**
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APPROVED