

1 MILFORD PLANNING BOARD WORK SESSION MINUTES ~ APPROVED

2 June 1, 2021 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, Member

10 Susan Robinson, Member

11 Dave Freel, Selectmen's Rep

**Staff:**

Jason Cleghorn, Town Planner

Darlene Bouffard, Recording Secretary

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15 **MEETING PREAMBLE DURING COVID-19 EMERGENCY**

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

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

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

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

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

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34 Due to the changing Covid-19 restrictions, the Planning Board chose to have this meeting as a hybrid, with  
35 both members and the public in person or via zoom. Members and staff were polled individually: Tim Finan  
36 attended in person; J. Langdell attended in person; P. Amato attended in person; S. Robinson was at her home  
37 in the room alone; P. Basiliere attended in person; D. Freel was at home alone in the room; D. Knott attended  
38 in person; J. Cleghorn attended in person; D. Bouffard was in her home office alone.

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40 **1. Call to order:**

41 D. Knott called the meeting to order at 6:30 p.m. indicating that tonight is a work session asking for J.  
42 Cleghorn to get the Board started.

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44 **2. Work Session:**

45 **A. General Process Discussion:** J. Cleghorn had a presentation of items to be discussed, starting off with  
46 how the agenda items are scheduled, and he said the date of the meeting is usually set when the application is  
47 dropped off. That is not typical, in his career, as things move along going back and forth when the item is  
48 ready for a hearing, it gets scheduled. There have been a couple of applications since February that should  
49 have waited until they were further along in the process before coming before the Planning Board. L. Daley  
50 told Jason historically the Planning Board has made conditional decisions with items getting confirmed by  
51 staff. P. Amato said people know when we publish the schedule at the beginning of the year that they have  
52 deadlines for submission, if someone brings in an application that is not complete, staff does not need to  
53 accept it and set the meeting date. By accepting the application it does not mean that they have completed the  
54 checklist for submission. J. Cleghorn said that is not always the way we receive applications. D. Freel said

that is on staff, it should not get accepted if it's not complete. J. Langdell said you have to have the information in a reasonably complete form at submission.

P. Basiliere said it sounds like there is hesitation to hold that line? J. Cleghorn said it is not a checklist issue, it is the hearing date and the town receiving everything when it needs it, and they still want to keep that hearing date. P. Amato said the application needs to be complete. J. Cleghorn said the application is just a part of it. P. Amato said a month is needed to get everything that is required. D. Knott asked for an example. J. Cleghorn does not agree that the hearing date should be cited at submission, he just does not agree with that practice. P. Amato said if the applicant has the application and the plan by the date required then the date is set. J. Cleghorn said we have many applicants that are not actually ready. P. Amato asked if that is because the engineer did not have everything ready? If that's the case, you can say it is not complete enough to review. J. Langdell said if the information is not there, the case will be continued.

P. Amato does not like having 16 conditions listed in an approval, three or four is fine but that is one of the checklist items. They should not get in the door if they have not completed the checklist. P. Basiliere asked if that can be solved by having a longer time like 45 days instead of 30? J. Cleghorn said the 30 days is kind of short in his experience, he is not asking for a longer time, but there were a couple of applications that were just not ready to come before the Planning Board. P. Amato said sometimes the engineer is being pushed to get it on a certain meeting even if they are not ready. J. Cleghorn will use the continuation of meetings if something is not ready. P. Amato has never heard any complaints with the 30 day review process, most applications come in by the due date. J. Langdell said the Planning Board has a record of an application that is not ready, if an applicant is playing games, it will show that it is not ready. P. Amato said we do not want "incomplete applications" being accepted and put on the agenda. P. Basiliere asked if there are items that should be on the checklist that are not on it now? J. Cleghorn said it is not a checklist related issue, when an application comes in at the counter, most times if there is an engineer involved, they meet the checklist, but that is not what he is talking about, it is the process of reviewing the plan and when it needs to go through to Department Heads. P. Amato said the staff in Planning sends it out the first day after it comes in and sometimes they do not get back to you, there is no requirement for them all to make comments. J. Langdell said if departments have a comment, they can comment and if they have no comments then they don't respond.

D. Knott thinks it is a problem if a department responds after the deadline and the applicant does not know about it. J. Langdell said there are two committees that have issues with the Planning Board meeting schedules. J. Cleghorn said the Conservation Commission is considering having two meetings a month so they will meet the deadline with comments. J. Langdell said an important part of the Planning process is to have the departments respond to the request. J. Cleghorn said he will continue working with the applicants when they are insisting on moving forward if there are too many things outstanding, but if it is only one or two items, he can keep them moving forward. J. Langdell said a list of items for a Lot Line Adjustment versus a big subdivision are two completely different applications. S. Robinson agreed with P. Amato and J. Langdell, that the process works but she also feels for Jason. The department comments need to be identified to get them addressed in time. D. Freel agrees with the 30 day review and if they have satisfied the checklist then it can move forward. P. Amato said if a plan is received and you do not feel it is sufficient to go to the Planning Board, Jason can contact the applicant and indicate that it will be recommended to be tabled. If they do their job, they should be able to get it moving.

J. Cleghorn asked the Board what they need to see more or less in the packets. D. Knott wants a summary. J. Langdell asked for it to be done the way Lincoln did it, when there are issues with the plan and a second meeting is required, Lincoln would send out an update of what changed. It is important to not just change the date on the memo. Kellie had also followed what Lincoln had started. P. Amato said if something is proposed in a zone, he wants it to be printed out that it is an allowed use, just include that in the memo; it gets very difficult to track when the application drags out over multiple meetings. J. Langdell said it might be helpful for Jason to do the process that Lincoln started. P. Basiliere feels that will be helpful to the applicant too. T. Finan said if it is a project that has been continued a couple times, just bringing a summary to the Board of what transpired over those months helps. J. Langdell said the waiver applications and CUP application are specific forms that the Board needs to see and read. P. Amato said if you tell us at a meeting that one item will not be heard, the Board should be reminded by staff that it will not be heard. D. Knott said

having the “crib notes” that Kellie used to do was helpful to the Chairman and it created a smoother and quicker beginning of each meeting.

J. Langdell said during the meeting with the Planner prior to Planning Board meetings, those “crib notes” could be developed. D. Knott wants to get paper copies for in-person meetings, it is something that he is used to getting and he thinks most Board members like having the paper copies. J. Cleghorn has been putting a lot of items in the packets, asking if it is too much? It was agreed the agenda, pertinent papers, plans, waivers and staff report should all be in the packets, not necessarily the application. A poll was taken of members if they want paper or electronic packets: P. Basiliere – electronic; D. Freel – paper; D. Knott – paper; P. Amato – paper; J. Langdell – electronic with paper at the table; S. Robinson – paper; J. Cleghorn would like to get packets out to the Board the Wednesday before the meeting, does that work for everyone? All concurred by Wednesday is good and large copies of each plan at the table for the meeting.

P. Amato said when the meetings are in person, he feels it is a different vibe, the Board needs to ask staff after the applicant presentation, if there are any comments or questions. D. Knott said that is one of the things that he forgets to do but could be on the “crib notes”. J. Langdell said this would be asked to get any information that has been exchanged since the last meeting and is on a case by case basis. P. Amato said when there is a good lawyer there, they will go through and cite the timeline and where problems came up.

With all of the applications coming in, Jason asked what is the Board comfortable with as far as meeting length? P. Amato said if the applicant meets all conditions, it is an allowed use, they have done what we have asked of them, it typically goes quick, but what if the Board does not like it or something cannot get resolved and the causes the meetings to run long? We should not bring in our own biases or opinions to the meeting because we are here to make sure it meets our rules. If we do not like what is presented, the Board can ask to have an expert opinion that would be paid for by the applicant. D. Knott said if we get stuck on something, we should take a poll of members and move on or continue the discussion. P. Amato said the Chairperson needs to be the one to reel members in and take a poll. S. Robinson said Doug does that now. P. Amato added that if an expert opinion will be requested, it must be the opinion of more than one member.

**B. Recusal Refresher:** If any member cannot be impartial on an application, they may recuse from voting. J. Langdell added if a member is an abutter they should also recuse and step down from the Board. She suggested that Jason contact Ben Frost at OSI for the final word on this.

**C. Site Walks:** When Board members request a site walk, if there is a known hole on the property in the middle, if the Board knew about that hole and had a site walk anyway without notifying people of the hole versus doing a site walk and someone turns their ankle, there was no way the members would have known that would happen. The bottom line is town employees and volunteers acting in their role are covered by the town insurance on a site walk. While performing a town function, if a person were to get hurt, it would be covered by Workman’s Comp. This discussion was for people that are not employees or Board members that attend a site walk on private property. P. Basiliere said there was an applicant concerned of having other people on the property walking around, it seems that if we know town employees are covered and non-employees are not covered, that should be part of the notice for the site walk. The town needs to alert the public that the town is not liable for the injury. J. Langdell said it would depend on the case. D. Knott is concerned about giving any kind of advice. P. Amato said it can be posted that the site walk is open to the public “at your own risk”. J. Langdell suggested that NHMA be contacted to find out if any other municipalities provides such language. When we think about going out to do a site visit, if one person wants to go, can you do that as only one person? J. Cleghorn said by signing the application, they are allowing a site walk, legally by signing they are attesting that Board members can visit the property. But it is a gray area. P. Amato said Milford has never had a problem with this.

**3. Other Business:** J. Cleghorn will start some outreach to identify alternate Board members.

**4. Meeting Minutes:** There were no minutes for review this evening.

- 163 **5. Adjournment.** The meeting was adjourned at 8:30 p.m. on a motion made by P. Amato and seconded by P.  
164 Basiliere. A poll was taken: P. Amato, yes; P. Basiliere, yes; J. Langdell, yes; S. Robinson, yes; D. Freel yes;  
165 T. Finan yes; D. Knott yes. The next Planning Board meeting is June 15, 2021.  
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169 \_\_\_\_\_ Date: \_\_\_\_\_  
170 Signature of the Chairperson/Vice-Chairperson:  
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173 MINUTES OF THE 6/1/21 MEETING WERE APPROVED 7/20/21