

MILFORD PLANNING BOARD MINUTES ~ APPROVED
OCTOBER 03, 2023 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Janet Langdell, Vice Chairman
Peter Basiliere, Member
Paul Amato, Member
Susan Smith, Alternate
Andrew Ciardelli, Member
Susan Robinson, Member
Tim Finan, Selectman's Rep

Staff:

Terrey Dolan, Director Comm. Development
Andrew Kouropoulos, Videographer

Excused:

Dave Freel, Selectmen's Rep
Darlene Bouffard, Recording Secretary

1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. The Planning Board and staff were introduced, noting that Tim Finan is the liaison for the Board of Selectman Representative for this application as D. Freel has recused himself from this application.

2. Approval of Meeting Minutes: The minutes of September 05, 2023 Planning Board were reviewed. S. Smith had one amendment to line 51. J. Langdell indicated there is a full Board tonight, therefore S. Smith as an Alternate will not be voting tonight. D. Knott confirmed this. J. Langdell moved to approve the minutes as amended. P. Amato seconded. All were in favor with T. Finan abstaining. Motion passed.

3. Public Hearings:

Case SP 2023-02: Continuation from the August 15, 2023 Hearing for the Application for Major Site Plan Consideration for *The "Q" Rental Apartment Community (SP #2023-02), Tax Map 43, Lot 69-2*, ("0" Ponemah Hill Road). The applicants are TM Bolduc Holdings, LLC. The residential project is proposed for 216 multi-family (rental) apartment units in a community complex, with six residential buildings and a clubhouse. The overall property shall remain partially zoned as Limited Commercial-Business ("LCB") Zoning District, under Section 5.07.1.H and partially zoned as Commercial ("C") Zoning District under Section 5.05.1.P of the Town of Milford's Zoning Ordinance.

Chairman Knott stated again, that this is a Continuance of the August 15, 2023 hearing for SP 2023-02. Chairman Knott asked if Community Development Director Terrey Dolan would like to speak regarding the Waivers. T. Dolan indicated there will be a meeting on October 17 to hear the Waivers, and he wants to make sure the record is accurate, the letter was May 19, 2023 from Mr. Peterson but wasn't clear other than for the other parcel that was subdivided and conditionally approved in August 2023 – for wetland delineation, existing topography and noting the existing slopes in excess of 25% on the piece of land that was divided off, 11.5 acres roughly. T. Dolan was not clear on what the Waivers applied to and it was insisted that the waiver requests be submitted which required legal noticing and the amount of time that takes it could not be at tonight's meeting, so the waivers will be at the next meeting on October 17, two weeks from today, the waivers will be heard at that time. P. Amato asked if there are waivers on the 43.357 acres parcel? T. Dolan responded just the 8.5 acres of preserved area which is part of the 43.357 acres. P. Amato asked if it is on the piece that was subdivided off? T. Dolan responded no that was taken care of with the approval process; he just wanted to make it more clear for the record.

Moving forward, J. Langdell asked if the waiver request forms were completed and signed? T. Dolan said they are and in his office. P. Amato asked when they were completed and signed? T. Dolan said originally it was May 19, but to make sure the 8.5 acres being referred to that haven't had wetland delineation,

topography, etc., that was in the last two weeks. It was an oversight. T. Dolan did not feel comfortable with the original letter written and the more he thought about it, the more he thought they should do the waiver request for that 8.5 acre non-developable area of The Q property. P. Amato indicated that is as clear as mud. Matt Petersen commented that it was submitted don May 19 and Milford is one of the only towns that requires a notice for waivers, you guys voted on the subdivision, he explained the 8.5 acres and it was all good, it is just that the town requires waiver notification. J. Langdell indicated it was brought up at the June meeting and there was something that was supposed to happen before August. M. Petersen indicated he knew nothing about it until just recently, so he was not tasked with that item. J. Langdell said no there were no fingers being pointed. M. Petersen said it is not a big deal on his part.

P. Amato said we will not be discussing that tonight? T. Dolan stated no, we will not because of the legal noticing, that will be discussed October 17. D. Knott asked that M. Petersen continue with his presentation. M. Petersen, Keach and Nordstrom Associates, representing the applicant, stated that due to the size of this project we have a full house here, which is the first time he has seen this in any of the meeting for this project. Staff has requested that he focus on a couple of concerns or issues they had to discuss tonight and he is more than willing to talk about any issues the Board would like to bring up tonight. M. Petersen is thinking that most people here tonight about number two on Terrey's memo so he will keep it short then get input from everyone and go from there. M. Petersen started with the sidewalk since that is what everyone has talked about here and there and the applicant needs direction on it and will share what he has learned in the last 50-60 days, firstly the sidewalk was talked about to be extended to the end of Stoneyard Drive, that is all in the wetland application (sheet 6 of 47). D. Knott asked about "the end" where is that? M. Petersen responded where the drive meets, not where it meets Nathaniel.

Matt Petersen continued that the Board talked at length about possibly going down Stoneyard, then to Nathaniel and out to Route 13; that's approximately 1800 feet, the issues that he is running into (5) are as follows:

10,000 feet of impervious area – those 2 roads were put in without getting the AoT permit, they are going through the State right now (Steve Desmarais in the audience stated Stoneyard Drive has an AoT, Nathaniel Drive does not). M. Petersen continued that Nathaniel Drive is in the process now with the State, and Earl Sandford is assisting to work with them not dealing with the drainage correctly on that. Matt has talked extensively on that with this Board and on the Gas Station zoning application, which right now is not going anywhere right now, so Nathaniel Drive needs to be worked through from an AoT standpoint for the drainage. Both of those roads went in with open drainage on the sides which means if there is a sidewalk put in on one side, curb it, then we need to install culverts and need to find a way to daylight it. Open swale on both sides means we cannot just put an open sidewalk and run off the water going to it, catch basins can be put in if there is a way to "daylight" them. P. Amato asked if it could be striped out to be the same elevation as the road to which M. Petersen responded that it would have to be on the back side of the swale but there are also issues with doing it that way, with ledge issues on the back side. The road is 24 feet wide.

P. Basiliere commented that the sidewalks really should be there, but what is meant by "daylight"? M. Petersen explained once there is curbing on the side of the road with a catch basin, the outlet is four feet down before it comes back out, so the four feet grade needs to be made up somewhere down the street or off on the property and as you all know the property goes up on one side and the other side drops off, so "daylighting" would mean catch basins would have to be installed, then go further down the road with drainage in the road to go into the next catch basin, it is quite a bit of extra drainage which gets put over to the Town for maintenance. The question then came up of whether the town has the ability to plow these sidewalks for Nathaniel and Stoneyard Drives if it does get put in? J. Langdell commented that Nathaniel Drive is currently not a Town Road, but eventually they both will be.

M. Petersen asked if there are ways the town can do sidewalks fees in leau of these sidewalks to use for another project that make sense for sidewalks? For a project like this, that's this big, we are not looking for it to end on an issue like sidewalks, maybe it could be a combination of the two styles, curbed and striped, which would work out well, the swale could be pushed back a little. So Matt needed a little feedback to know from this Board of where you want to go with this sidewalk or which direction. The sidewalk through the site, there will be a crosswalk was missed on the plan, the sidewalks will be through

the site with circular around the buildings so there are paths around each building, and sidewalks across the front of another building, and he explained that the sidewalk continues down to the other building. There is a gap between the wetland and one of the sites, it was looked at more today and the wetland impacts would need to be minimized, there are a lot of wetlands and that impact was not proposed initially to try to minimize the wetland buffer impact, but sidewalks have become a discussion point and the Board wants the applicant to look at, so it is something we will look at. There is no sidewalk proposed out to Ponemah Hill Road as of now. The easement for water was added on this plan, which was missed on the last plan. That is where sidewalks are as of today.

Except for sidewalks going down Nathaniel Drive, P. Amato confirmed there is not a problem with elevated sidewalks on Stoneyard Drive and throughout? M. Peterson responded that there is no problem with the elevated sidewalks on their site, there are detention ponds all throughout the site, he just does not have a lot to do on Stoneyard and Nathaniel. J. Langdell said she does not have the traffic and transportation study in front of her but is wondering about using the painted sidewalks and painted areas in some of the smaller projects where it seemed appropriate giving the anticipated traffic counts; the first one she thought of was off West Street, Westview Terrace she thought, which made a lot of sense, she is just not sure that the traffic estimates for Nathaniel Drive are at a level that it would be safe enough for that kind of design but it is an interesting question. Again, J. Langdell said the reason the Planning Board is asking about sidewalks is one of the goals of the Master Plan and for this Town has been for neighborhood connectivity. People getting out on their bikes or take a walk safely and this is right in the neighborhood of the Rail Trail across the Street of DPW. So to get folks to come down the hill, cross the street and get on the trail or walk downtown. P. Amato said there are no sidewalks on Route 13. J. Langdell said there are sidewalks once you reach Papa Joe and the shoulder is wider on that side.

M. Petersen said he likes where that is going, he bikes 3-4 days a week, 3000 miles per year out here and it's dangerous. He likes what Janet said about bikes and hiking, but with elevated sidewalks, he knows people drive up on sidewalks anyways, so what is safer? J. Langdell noted that drivers really do want bikers over on the side of the road. P. Amato asked if that would be on both sides? D. Knott indicated that one way a bike would be driving toward vehicles and the other side with vehicles, the bike path is on both sides, we would potentially be creating a situation that is not safe. Susan Smith asked about Stoneyard, is that a driveway or a road? J. Langdell indicated we are talking only about Nathaniel. T. Finan stated that on the north side of the road, it was mentioned that there is a pedestrian access but it goes through the woods, would that be a trail? Steve Desmarais explained the 1200 feet between the development and the intersection of Stoneyard and Nathaniel; we blasted through that so what Paul suggested to increase the pavement two more feet can absolutely be done but the rest of it not. There is a huge rock there and it's all ledge there 20 feet deep there. It would have been a cool idea, but if the regulations said we need a sidewalk, we would've built a sidewalk but it just didn't say that.

M. Petersen, indicated detail inside the building needs to be provided for the amenities, but is not finalized yet. A dog park area was proposed, as are outside patio areas, staff recommendation was that a patio area for each building be done, he would like to have a discussion on the inside and outside areas for residents. An exercise room is proposed and a common area; lockers, bathrooms and mailboxes in the main clubhouse. M. Petersen indicated a discussion on the amenities the Board would like to see or are looking for. P. Amato noted this is a Site Plan, it is not the Board's purview to get into the amenities that the applicant wants to provide. D. Knott asked if there are regulations on that type of building? P. Amato said the applicant has met what he normally would see and that they have identified the areas for the outside amenities and he thinks the Board can put that to bed, what they do inside the building is their prerogative. In lieu of additional things outside, J. Langdell said by the applicant explaining to the Planning Board what they have planned for the other areas is very helpful. J. Langdell asked if the fire places will be in just the clubhouse or all the building? M. Petersen responded just the clubhouse. The applicant would appreciate direction on what type of amenities the Board would like to see.

On the landscaping, M. Petersen brought up the concerns raised on the Site Walk on Sheet 30 the wetland buffer area will be spruced up a bit along the buffer, the abutter to the south discussed and agreed to the buffer with the applicant, a lot of trees were added in that area. A stockade fence will also be place among the trees. M. Petersen said an emergency access easement was requested by staff. The wetland

162 permit has been done in accordance with the new requirements which have changed in 2023 every few
163 months. On page 36, M. Petersen described the wetlands which got a little wider. There is a man-made
164 box out there that is staying, the State has been looking for this type of culvert, if a Con-span were used,
165 the footings are very disruptive, see sheet 44. The stream will be at the bottom of the culvert, we are
166 trying to use what is best on this site. The traffic engineer is here if there are questions. T. Dolan has
167 asked the applicant to look at Medlyn Brook that has a lot of debris which needs to be removed. The
168 applicant has the AoT permit and have designed the proper storm criteria and have done everything they
169 are required to do, however there are a lot of towns that have employees that do routine, pro-active
170 maintenance of drainage sheds. The Milford DPW staff is very limited and is reactionary because of the
171 amount of staff. D. Knott asked if the pictures of the stream with debris is all the Q property? T. Solan
172 responded the majority are the Q property, but the engineer did not label them. D. Knott walked the
173 property, with the permission from the owner to look at the stream.

174
175 There was discussion about sidewalks, bike paths, car lanes, etc. with the outcome that there will be
176 school children living on this site. There should be a safe way for them to get to the bus stop, ideally with
177 a sidewalk, whether it is raised, painted, or whatever. J. Langdell asked the Traffic Engineer if this is a
178 good plan to have pathways for children and adults to safely walk to where they need to go? Traffic
179 Engineer – responded that the traffic study shows about a thousand vehicles per day; right now that road
180 is serving very low traffic mostly for businesses, the number he just quoted is for the full build-out of
181 apartments. The Board has discussed all the options and studies show that typically these apartments are
182 rented by young professionals without children and if they have children they move out.

183
184 Scott Kimball, Mile Slip road, wanted to point out the amount of taxes brought in by these apartments is
185 not nearly the amount brought in by the Condominiums on Ponemah Hill Road. Rob Chisholm, Medlyn
186 Road, indicated when these apartments are built, all the water will end up going into Medlyn Brook and
187 ultimately the Souhegan River, would it be possible for this development to have the excess water
188 pumped onto Nathaniel Drive that has all the appropriate drainage and would alleviate the entire problem
189 or at least reduce the possibility of flooding and give this pump house the ability to remove this water
190 from the area and filter contaminants. Mr. Chisholm provided a video of the culvert that goes under
191 Nashua Street during a storm that added approximately 2.5 inches of water, Mr. Chisholm stated that the
192 video shows that the culvert cannot handle the water. If that culvert issue were handled correctly, to
193 accommodate any water that comes down Ponemah Hill to Medlyn Brook and through that culvert, there
194 would be no issues with flooding on Medlyn Street. This falls to the town and if you dump water from
195 The Q, it will come from the detention ponds into this situation.

196
197 J. Langdell asked about the Nashua Street culvert, and that there is a pre-existing problem with an
198 existing culvert that's part of the Milford system; she understands from this evening that DPW is actively
199 looking at this culvert to assess the situation to determine what needs to be done. Mr. Chisholm
200 continued that if this issue has not been resolved, then something has to change or The Q has to hold until
201 that is addressed, does the town want to be responsible for flooded residences? This is a culvert failure
202 this is not a flood plain issue, if there could be a concession such as a pump house that takes that water
203 from The Q and put it over to Nathaniel, it would minimize that impact. D. Knott asked if the Town
204 Engineer has looked at the culvert and have an opinion on if The Q overflow will cause flooding? T.
205 Dolan said she has looked at it, and the AoT permit does not allow for any post development discharge to
206 exceed the predevelopment discharge rates. The Town is required, both by the Stormwater permit and
207 permits issued locally and the DES is bound to a 50-year storm. T. Dolan continued that there are
208 infrastructure issues that are on town property and the town has to ensure that the culverts are clear and
209 that the snag debris and vegetative blockage, railroad ties, etc. has to be proactively taken care of and this
210 is being diligently worked on. J. Langdell said the Milford Town Administrator is listening to this via
211 Zoom, there is a Selectman's Representative here, DPW is aware and on notice that this needs to be
212 evaluated, the Town Engineer is involved. Mr. Chisholm asked if The Q could be put on hold until the
213 town can address this issue?

214
215 Doug Knott said basically the AoT permit is stating that this has been studied, addressed and approved so
216 they have a different opinion than Mr. Chisholm; the State AoT process went through all of this. Mr.
217 Chisholm raised the issue of the January 2023 meeting, at which there was a conflict with one of the

Planning Board members, and that a vote was taken. D. Knott indicated that member of the Planning Board has since recused himself from these meetings. J. Langdell asked what the date he stated earlier? Mr. Chisholm said June 20. D. Knott indicated he said January first. D. Knott indicated that the Planning Board went through the process again and re-accepted the application for review when Dave Freel recused himself from the application and Tim Finan as the BOS Representative took over. The application was re-accepted with T. Finan sitting in for Mr. Freel. Mr. Chisholm asked if that is an opinion or a legal answer? P. Amato asked of T. Dolan if Town Counsel was contacted when the issue came up of D. Freel being an abutter (across Route 101) and should recuse from the application? T. Dolan responded that he will check the minutes about the acceptance of the application since that is the only vote that has been taken thus far. No decisions have been made on the application. Mr. Chisholm indicated that he wants to make sure that no legal precedent is being set. Mr. Chisholm was finished with his questions and thanked the Board.

Ed Medlyn, resident of Milford, asked if there has been study on the flow, he is not sure if it is up to the applicant or the town of Milford. The culvert that runs under Rugged Bear was an old smoke stack out of a boiler room and its about 300 feet from one side to the other where it discharges behind what was the Rugged Bear. Ed has heard a lot about sidewalks and he wonders if they get used, but he would like to know which engineer said the water was backing up from the River or was that a miscommunication? J. Langdell responded that was in reference to the May Day (Mother's Day) flood. Ed Medlyn said the May Day flood in 1938? Mr. Medlyn said if it was backed up from the Souhegan River, the Sewer Plant would be under water. At the last hearing, Matt Petersen said the 100-year flood maps show it goes all the way back to the end of Medlyn Woods Brook. M. Petersen had said that the brook, if you look at the FEMA flood maps, there is a limit of the 100-year flood of the Souhegan backing up on a hundred year flood. Ed. Medlyn indicated that is a little over his head but he thanked Matt for the explanation. There is also a box culvert underneath the railroad tracks that also handles the discharge out of the pond between Shaw's and Dunkin Donuts. There is also a sink hole on the railroad tracks that half of a small car would fit in. E. Medlyn indicated the Railroad is spending millions on this track and he did not see many ties in the brook.

D. Knott asked if there were any members with questions on zoom? Seeing none, he closed the public portion. P. Amato asked the applicant if he got the answers needed in order to proceed to October 17? M. Petersen responded that he believes he did. T. Dolan indicated he will go through his notes and communicate with Matt Petersen and indicated it will be easy enough to get an emergency access easement in any final decision. J. Langdell indicated this application must have passed the 65 days, for the minutes. M. Petersen spoke on behalf of the applicant that they are willing to waive the 65 day requirement and continue this to the October 17 Planning Board meeting. J. Langdell thanked M. Petersen for that, that should be sufficient for the minutes. P. Amato moved to continue this application to October 17, 2023. P. Basiliere seconded. All were in favor. Motion passed.

4. Other Discussions:

T. Dolan indicated at the next meeting, the discussion of Open Space for the Industrial zones will continue. J. Langdell said that more information will be brought forward on that. T. Dolan also indicated that the CIP is ongoing and at the next meeting, there will be discussion on the status and at the point when a draft report is brought forward it will be brought to the Planning Board for review and approval since the CIP is a subcommittee of the Planning Board. If approved by the Planning Board, the report then is sent to the BOS for review and approval and to use for budgeting. T. Dolan believes the draft report could be done in time for the November 7, 2023 Work Session. P. Amato stated his concern about not having any other housing the queue except for The Q and that is driving up the cost of housing. S. Robinson said that is happening all over the country. P. Amato stated there is such a different temperature than it was back when we bought the Brox property when the town was trying to slow down the growth. S. Smith explained that the number one item when residents were surveyed in the Envision Milford sessions was walkability, sense of community and safety around town. P. Amato suggested that the voters will not vote anything to pass. T. Finan indicated he does not think it is the lack of votes, he believes it is about the leadership in the town; if the Selectmen, the Budget Advisory Committee or the CIP Committee does not fully support a warrant article, the voters look to those groups for guidance and vote accordingly. Mr. Finan continued by saying in 2023 the Town voted for a \$24million warrant article

the first time and passed it, mostly because it was for the Water/Wastewater Facility that was supported unanimously by the Selectmen, Water Utilities Commissioners, Budget Committee, and Budget Advisory Committee.

P. Basiliere asked if anyone knows where the downtown project stands? T. Finan said it is moving along. J. Langdell suggested getting a summary of the downtown project and latest plans. S. Smith asked if the culvert will be part of the CIP? T. Dolan said it will not raise to the dollar level for CIP. S. Smith asked if the Q has a phasing plan, J. Langdell indicated it is on one of the pages of the plan.

5. Upcoming Meetings:

10/17/23 – Planning Board Meeting

11/07/23 - Planning Board Work Session (confirmation required)

6. Adjournment. The meeting was adjourned on a motion made by P. Amato and seconded by P. Basiliere. All were in favor. The motion passed unanimously.

Date: _____

Signature of the Chairperson/Vice-Chairperson:

The Planning Board minutes of 10-03-23 were approved 11/21/2023