

MILFORD PLANNING BOARD MEETING MINUTES
November 5, 2019 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Janet Langdell, Member
Jacob LaFontaine, Member
Susan Robinson, Member
Laura Dudziak, Selectmen's Rep.
Pete Basiliere, Alternate Member

Staff:

Kellie Shamel, Planner
Darlene Bouffard, Recording Secretary
Nate Addonizio, Videographer
Lincoln Daley, Community Development Director

EXCUSED:

Paul Amato, Member

1. Call to order:

Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members. Chairman Knott indicated that in the absence of P. Amato, who is excused for this application, alternate Planning Board member P. Basiliere will vote in his place.

2. Public Hearing:

- a. **Leighton A. White, Inc. (applicant) and Spring Creek Sand & Gravel, LLC (owner)** – Review for acceptance and consideration of final approval for a major site plan for the expansion of an existing sand and gravel operation (Spring Creek) along with associated site improvements. The parcel is located at 0 Mile Slip Road in the Residence R District. Tax Map 50, Lot 4-4.

Waiver request from the Milford Gravel and Earth Removal Regulations, Article VIII: Operational Standards, paragraph 1, which states that no operation of the gravel and earth removal business shall operate outside the hours of 7:00a.m. – 5:00p.m., Monday through Friday. The applicant requests that the Planning Board relax the requirement to allow operation onsite between the hours of 6:00a.m. – 7:00p.m., Monday through Friday and 7:00a.m. – 12:00p.m. on select Saturday's when work orders exceed weekday production.

Continued from the October 15, 2019 meeting.

Chairman Knott introduced the application at 0 Mile Slip Road, Map 50 Lot 4-4, for expansion of an existing sand and gravel operation along with associated site improvements. There is a waiver request for the hours of operation, this application is continued from the original meeting on October 15, 2019 when the request for continuation was received from the applicant. T. Finan moved to accept the application for review. J. Langdell seconded. All were in favor. Motion passed. T. Finan moved there is no potential regional impact. J. Langdell seconded. All were in favor. Motion passed.

The abutters list that included 18 abutters was read into the record; the following 8 abutters were present: Steven & Shelly Lasalle, Anthony Petrain, Paul & Nancy Amato, Martin Sample, Spring Creek Sand & Gravel, Leighton White LLC, Granite Engineering, Town of Milford.

Brent Cole, Granite Engineering, representing the applicant, presented the proposed site plan; accompanying him was John Cronin, attorney for Granite Engineering. Brent Cole explained that Spring Creek Sand & Gravel LLC owns the property being discussed, which was previously owned by Mr. Lorden and a gravel operation was run by Tom Lorden. 440 acres were owned by Mr. Lorden and some of the pit was excavated, Mr. Amato, Spring Creek Sand & Gravel LLC wants to expand the excavation to another area of Map 50, Lot 4-4; the area to be expanded into is about ten acres. The rule is to stay away from abutters by 100 feet. The processing of materials on site was brought to the ZBA for a Special Exception which was granted. The reclamation portion of this application is to bring the land back to its

original state. Erosion control will be in effect. An Alteration of Terrain (AoT) has been applied for through the State of NH and is pending at this time; the applicant expects to receive comment within the next month on that application.

The Conservation Commission met with the engineers last month and they have provided a memo that they have no comments on this application. K. Shamel said the Conservation Commission submitted a memo that they have no comments. Brent Cole said this is a gravel operation that has been going on for many years and they are just looking to continue the work in the gravel pit. This is a very large parcel, it is a great place for a gravel operation. The waiver requesting relief was for the hours of operation. The truck count is based on what is taken out of the pit, it is anticipated there will be an average of 15 trucks per day. That is what is being done now. S. Robinson asked about the hours of operation and the waiver request. Dale White, Leighton White LLC, indicated they have withdrawn that request. S. Robinson also asked about the other requests from the Assessor in the Staff Report. D. Knott reviewed the comments made by the Town Assessor: (responses to concerns in italics)

1)Confirm all portions of the original gravel operation have been reclaimed; *Yes they have been reclaimed.*

2)Confirm how many acres are still active and how many have been reclaimed to date; *the only thing not reclaimed yet is the bottom area, it is a gravel road that has stock piles – the reclamation stage is when it will be brought to its original state (loamed & seeded) – Brent added that because it has an AoT it has higher standards than the town.*

3)Should the currently active area be considered Phase 1 and this new expansion Phase 2 & 3; *the first Phase is almost at completion and it will continue on to Phase 2 and then Phase 3, the town allows ten acres to be open at one time, the State only allows five acres open at one time, that way the applicant knows when he must start the reclamation before starting the next Phase. He cannot move on to the next Phase until the previous phase reclamation is started.*

4)This new expansion area was added by a Lot Line Adjustment (LLA) and is in Current Use and should be removed from Current Use; *the owner is aware of the Current Use status.*

5)The disturbed area should not exceed 10 acres, please provide a breakdown of area and expected materials per phase if possible; *the area is five acres for each Phase, it is anticipated a little more than 300,000 cubic feet of materials per Phase.*

D. Knott asked if there will be an increase in truck traffic? Jeff Merritt, Granite Engineering LLC responded that 15 trucks is the average expected traffic per day. P. Basiliere asked how long will this truck traffic last? B. Cole responded that it is an average of 15 trucks per day for an expected ten years. P. Basiliere asked for the upper limit of trucks (the highest amount per day). Dale White said the truck traffic is based on demand and the weather. In the summer there is a greater demand, some days will have more trucks and some will have less. P. Basiliere said the people along the roads are concerned with the truck traffic. D. White hates to put a number on it because the truck traffic is based on demand. S. Robinson said if there is 610,000 cubic yards of material, what is the type of material? Brent said the material is nice sand used for roads and it is good to process. D. Knott asked for a description of the processing of materials. Dale White explained it is mostly screening for this material, the sand that is there is good for septic and for sanding roads. It is screening the sand to remove the larger rocks. D. Knott asked if there will be crushing of rocks? Dale White responded there was relief granted for crushing rocks, it is more sand than rocks out there so it is mostly screening the materials.

J. Langdell asked if the Heritage Commission has commented on this application? K. Shamel read the October 9, 2019 Heritage meeting minutes stating they found no conflicts. They found the plan to be satisfactory and are curious if there are any stone walls on the site. Brent did not know if there are any stone walls and if there are they will add them to the plan. J. Langdell commented if there are any stone walls they would need to be moved. Paul Amato, owner, said the ten acres to be excavated on this plan have no stone walls.

D. Knott reviewed the comments made by Community Development staff:

1) Revise Note 12 to include RSA 155-E Permit, Milford Gravel Removal Permit, Milford Site Plan approval, Milford Stormwater Management Permit, any waiver requests and Special Exception granted 10/3/19. *Brent Cole indicated these items will be added to the plan.*

- 2) General comment-has NH Fish & Game provided any comment regarding additional requirements / recommendations for this project? *Brent Cole explained that NH Fish & Game has not provided any comments yet but when the AoT is processed that will prompt notification to Fish & Game and then Brent will work with them to get the permit.*
- 3) Please provide test pit data logs for all test pits on Sheet 2. *Brent Cole indicated Sheet 1 of 1 shows all the test pit data.*
- 4) Sheet 2, explain the details and timeline for each phase and revise the notes to reference the anticipated phases for the operation. *Brent Cole indicated the Phase 1 & 2 timeline has been reviewed and notes will be added to the plan in regards to that.*
- 5) The bond amount to cover reclamation of the site shall be \$7,500/per acre x 10.4 acres = \$78,000. *Brent Cole indicated it is exactly 10 acres, therefore the amount of the bond will be \$75,000.*

D. Knott asked for other comments from the Planning Board. P. Basiliere asked about any structures on the property. Brent Cole indicated there are no structures on the property. P. Basiliere asked how close to abutters will the excavation be done? Brent Cole explained that the note on the plan is correct and the plan (if approved) is the limit of how close the excavation can be; the note on the plan is just making it more restrictive than the RSA. D. Knott said the plan shows that it is more restrictive than the RSA in the note. P. Basiliere asked about note 23 about the excavation permit fee of \$50, noting the permit fee could change over time, so we should not restrict that. Brent Cole stated that is a typical note on the plan, that is the regulation that the applicant is held to. D. Knott said if the regulation changed (from the \$50 fee), the applicant would be required to pay the new fee amount. J. Langdell suggested removing the note. P. Basiliere asked about note 25 for working hours, how are the working hours defined? Dale White, Leighton White LLC, explained the regulations state the hours of operation will be 7:00 a.m. to 5:00 p.m. – therefore we will start at 7:00 and be done by 5:00 p.m. P. Basiliere asked when the first truck leaves the site? D. White answered 7:00 a.m. Dale White again stated that the waiver for the hours of operation has been withdrawn by the applicant. Over the ten year timeframe for the excavation, P. Basiliere asked if the town can cap the number of years at ten or can it go more than ten years? Brent Cole said that estimate is based off the amount of materials estimated to be taken out of the pit. By approving this application, P. Basiliere asked if the Planning Board is understanding that it could be shorter or longer than the ten years? K. Shamel responded that the applicant has to go through a process every year with staff for a renewal of the Gravel permit.

John Cronin, attorney, said once something gets approved under a set of regulations, the applicant gets locked in to the regulations of the permit which is reviewed every year for renewal so as long as the applicant is within the plan, it can be renewed. K. Shamel said this does not seem abnormal and it is looked at every year for renewal, so if there is anything, it will be brought up then. P. Basiliere was not sure about that because the note is open ended. As long as we all understand this could go for ten years or more. Attorney John Cronin said if a shorter time frame were used, it could cause increased truck traffic to expedite the operation. P. Basiliere asked about Note 13 regarding operation reclamation – what if that is not done by the applicant but is done by the town? If the applicant does not do the reclamation and the town needs to exercise the bond. D. Knott stated if the applicant is not doing the reclamation they will not get a renewal and they will get fined by DES. Brent Cole stated if the reclamation is not done by the applicant, the town would use the bond to do the work. P. Basiliere suggested there needs to be a parenthetical statement to that affect added. Attorney Cronin disagreed, stating said if the reclamation is not completed by the applicant, the town may not take action with the reclamation because there is no health, welfare or safety impact so they may let it be and the town may not want the corresponding liability; by inference, if they don't do the reclamation, the applicant would not get the bond back, but he would not be comfortable with amending the language that way. J. Langdell feels that by reference RSA 155:E, it would address that concern, she feels there is enough in the standard operating procedures and the RSAs to cover this. All Board members agreed this is covered in the language of the regulations.

J. Langdell asked if the comments from KV Partners could be covered regarding the water table or is that already resolved? K. Shamel said that comments 1-, 2- and 3- of the KV Partners letter dated October 8, 2019 have been addressed. T. Finan asked if the withdrawal of waiver (of hours) needs any further action? K. Shamel said it will be noted in the minutes that the waiver request for hours was withdrawn by the applicant at tonight's meeting. T. Finan said there was a letter withdrawing the waiver but he wasn't

sure if there was any Planning Board action required. Seeing no further comments from the Planning Board, Chairman Knott opened up the hearing to the public, adding that abutters should come up first if they have something to say and due to the amount of people in attendance, to respectfully limit comments to two minutes and if you have further questions, to come back after others have had an opportunity to speak.

A point of order was requested by Greg Danas, 406 Mason Road, who pointed out that he has important information about an easement that the Planning Board needs to be made aware of. He has the property on Mason Road that all the trucks pass by when they first come off Mason Road. He purchased that property from Kenneth Lorden Jr. back in 2001. At that time Kenneth Lorden Jr. mentioned to Mr. Danas that he was running out of gravel on his property, he eventually ran out a few years afterwards, eventually selling it to Mr. Amato. Thereafter, Mr. Amato had property he had purchased from an abutter to Kenneth Lorden that had ten years worth of sand & gravel on it. Mr. Danas has an easement that was signed by Mr. Lorden and his wife when he purchased that home on March 14, 2001 that states "this easement is used and will be used in the foreseeable future to remove earth products from the land of Kenneth A. Lorden." Mr. Danas continued by saying that doesn't mean abutters, it doesn't mean additional folks from additional properties. Mr. Amato has been traveling over his easement that was allowed as an ingress and egress at his discretion over the last ten years without Mr. Danas' authorization. Mr. Danas expressed his concern about his trucks and has given more than once the suggestion that he should use his access onto Mile Slip Road and this easement does not allow people to drive over his property which is a 50' roadway of 950' paved into the sand & gravel pit. Therefore Mr. Danas requested the Board immediately stop all sand and gravel trucks or anything to do with sand and gravel because that easement expired when Kenny Lorden's property sand and gravel was extinguished. That is Mr. Danas' request, he was the one that drafted a letter to the town addressing the issue, he was not notified of this meeting because he isn't an abutter, He learned of it at the meeting two weeks ago at the October 15 meeting, Mr. Amato did not let me know, Mr. White did not let me know. Mr. White approached him, two weeks ago hat in hand, before I was notified by my neighbor, that he wanted to be a good neighbor but he never mentioned that he wanted to start at 6 o'clock in the morning and run trucks past his house on Saturdays from 7 to 12. Mr. Amato didn't take the time to let Mr. Danas know either. They are fine gentlemen, they are good businessmen I'm sure, they don't have any right to my easement at this time and Mr. Amato should know better and so you should take this under consideration because the traffic will have to be going out on Mile Slip Road and will not pass my home from this point on. Mr. Danas asked if there were any questions.

Chairman Knott said this is a civil matter and is not our purview. Mr. Danas said it your purview with regard to the Sand & Gravel operation on my property. L. Dudziak asked if anyone has seen this easement, since she has not. J. Langdell has not seen it. Mr. Danas said he has it here for the record and said he could give it to the Board. L. Dudziak said it would have been nice to have copies of the easement prior to this.

Paul Amato, Mile Slip Road, said he bought the Lorden property in 2004, there was still some sand and gravel on it and we used that. The piece of property he currently has a gravel permit on was abutting this property. A different individual came in to the Town of Milford to get that approved, the Town said they need to continue to use the haul road which has been used for the truck traffic ever since then (about 2004) so nothing has changed. Obviously Mr. Danas reads the easement differently than Mr. Amato reads it, so it doesn't affect the Planning Board because the Planning Board does not get involved with civil matters. P. Amato said this is the continuation of a use that has been done for many years. After that, Mr. Amato bought this property from the gentleman that was operating it for maybe five or six years and then he bought the property from him.

Chairman Knott said it is a civil matter. Mr. Danas just wanted to put that in the record, thank you. D. Knott reminded everyone that he has opened the hearing to the public for abutters to speak first. Martin Sample, 196 Mile Slip Road asked about the processing of materials on site, stating the noise and vibration is noticeable and if it is processed on site it is loud and his house shakes. The hours of operation that were requested, does that include the trucks warming up? Mile Slip is already a noisy area. Chairman Knott noted again that the waiver request for hours of operation was withdrawn.

Shelley Lasalle received notification of the processing hearing, not that this will go on for another ten years. This past summer has been worse than it has been. The letters she received were that there would be an end to it. She received nothing that it would be for ten years; please take into consideration that this summer was the worst it has been since she had been living there. K. Shamel indicated that the notices were sent out October 4, 2019 to all abutters in accordance with State law. K. Shamel then read the public notice that was published in the newspaper, sent to abutters via certified mail, posted at town hall and on the town website.

Everett and Marlene Gale, 414 Mason Road, said the gravel operation has been there since Mr. Lorden, and then Mr. Amato bought it from Mr. Lorden and now it is very busy. The expansion starting at 6 a.m. and on Saturday as well is an issue. Chairman Knott said that waiver request was withdrawn by the applicant. Everett Gale said the trucks are two wheelers but there are numerous other trucks. The safety of Mason and Whitten roads is a concern with the pit, the roads are very narrow and full of holes, there are school busses as well. There are numerous safety issues that he has to deal with, his concern is if this excavation continues, what does it do for him? He is considering selling his house.

Judy Hohanadel, 401 Mason Road, asked what sized trucks will be coming from the pit? Dale White responded mostly normal truck sizes – tri-axel that are designed to haul gravel. J. Hohanadel said the road is in awful shape, and the road is collapsing in one area. The section from Whitten Road to where the driveway comes down is narrow. This has hindered getting the road fixed and she hopes the Planning Board turns this down.

Jeff McGrath, 342 Mason Road, asked what the bridge ratings are on Mason and Whitten Road; the ES-2 rating is for most bridges. His concern is the bridge weight restrictions and the shoulders on Mason Road. Dale White indicated the tri-axel trucks are legally allowed 80,000 GVW. J. Langdell asked if DPW provided any comments on this application? K. Shamel responded that there were no comments received from DPW.

Tina Vallier, 59 Mile Slip Road, said if the access road to Mason Road is denied or discontinued, would the Mile Slip access be used? T. Finan indicated the Site Plan before the Planning Board uses the haul road, not Mile Slip for access. The easement is a civil matter. P. Basiliere stated therefore the plan in front of the Planning Board has the haul road for access, if the civil matter closes that access down, the town must close it down. T. Vallier said there are trucks coming out onto Mile Slip now (from the pit). P. Amato explained that this was when the Boynton Hill construction company was buying product, so it would be trucked from the pit directly to the Boynton Hill site. P. Basiliere clarified that the loaded trucks would leave the pit to bring the gravel directly to Boynton Hill.

Keith Salisbury, 453 Mason Road, said the truck traffic has increased up to Boynton Hill and also on to Mason Road, there were 10-15 trucks daily.

Suzanne Fournier, 9 Woodward Drive, coordinator of BROX Environmental Citizens Group, requested clarification on the wetlands, it was stated there would be a 25' setback of mapped wetlands, noting there is a wetland, oh we don't have it up on the image anymore, there's a wetland, there's a stream that goes north-south through the property, is that right? So Great Brook also goes west, what is that called north-south? There is a wetland that goes, there is a stream on that property and the Haul Road is called Great Brook Road, so that might be a clue. Locals have told me that it is Great Brook. Great Brook maybe goes east-west? Perhaps it has another name? D. Knott asked if it is a delineated wetland? Brent said it is delineated, but it is not named. S. Fournier said she cannot hear him. D. Knott stated he said it is not named, it's delineated but not named. S. Fournier said ok so it's delineated but not named, okay, so that's why it gets the 25', okay cause if it were the Great Brook, it would require a 50' setback per our ordinance. Okay. So it isn't, even though the road is called Great Brook Road, okay. Second concern is um, clarification regarding the Fish & Game, the Department of Community Development wanted to know the status of requesting comments and I believe I heard the representative say that they received no comments back from Fish & Game but that they are working with, I think he said Melissa Doberofski at Fish & Game, is that correct? Brent answered that is correct. S. Fournier continued that it is a little

confusing, I could hardly hear back there, but what I did hear was that you have, cause I've seen it in the records, you have applied, you have requested a report to the National Heritage Bureau and they came back with a hit of two Blandings Turtles, so there are Blandings Turtles that are the concern, that is a State endangered species in NH so that would be why you're working with Fish & Game to see what needs to be done for the protection of that species. S. Fournier asked for clarification, you are working with them but have received no comments back from them at all? D. Knott said they have stated they are working with Fish & Game. S. Fournier asked if there was nothing received back? D. Knott said it was reported that the Blandings Turtles were identified and they are working with Fish & Game. J. Langdell indicated that was indicated that they would be "doing best management practices with Fish & Game", that was in the comments.

S. Fournier asked a question regarding that, is the applicant contemplating any wildlife survey? Has that been discussed because all these years there has been this gravel operation going on and she doesn't believe the record of the Blandings Turtles was known at that time but it is known now. So now that it is known, she is wondering if they are getting a request from Fish & Game at all to conduct a wildlife survey because they may not be the only threatened or endangered species that is on site. So has there been discussion about any survey that either Fish & Game would do or that they would ask you to hire a professional wildlife biologist to go and check on the site? D. Knott indicated what we have at this point is that they are working with them. S. Fournier asked if she could get an answer from the applicant? D. Knott answered that is the official answer, that is what the town was given. S. Fournier stated that's right, but the representative is here and they could possibly answer that part of the question, what's wrong with that, he can deny, or say he doesn't have anything further, why not let him answer? D. Knott said we're good, trust the process. So there are trucks going out on to Mile Slip Road, S. Fournier asked if there has been a permit for ingress or egress on to Mile Slip Road for the operations? It's been said tonight that Mile Slip is being used as an ingress and egress to the site. Ok you don't what to answer, that's fine.

D. Knott said that is outside the Board's purview. It's not that we don't want to answer, it is outside our purview. S. Fournier said that it was said tonight that D. Knott said it is outside the purview. S. Fournier said if it is outside the purview why was it said at all that observations were made by people who live in the area that it's an exit of trucks going by their houses, I think it is very relevant to hearing about it, you may not need to comment on it but I am giving my viewpoint on it. S. Fournier said unauthorized exits and uses of roads should not be allowed; somebody in town should say something about it. S. Fournier continued that from Mason Road the trucks not heading to Boynton will go down Mason Road to Whitten Road by the school, we've heard about the school busses, the trucks continue on Whitten Road out to Savage Road heading to Route 101, that's the way to get to 101 for transport, correct? S. Fournier asked the applicant if that is one of the routes they will use because on the plan it says the route is north to Mason Road, but from there where does it go? D. Knott said this is not a trucking plan.

S. Fournier said it is not a trucking plan? We do have concern about traffic, correct? So where is the traffic going? They are going down Whitten Road and Savage Road to 101 because I have seen Mr. Amato's vehicles, trucking equipment related to his operations traveling that route. For the Brox property the town's gravel operation being run by NE Sand & Gravel, there was a lot of discussion that those trucks cannot use Whitten Road for their trucks because it is too fragile. D. Knott interjected that S. Fournier has been speaking for 7.5 minutes and needs to wrap it up, you have had more time than anyone else and you are not an abutter. Suzanne Fournier thanked the Board, noting that time flies when you're having fun. The question was about Whitten Road and that it was prohibited to be used by NE Sand and Gravel for the town's own sand and gravel operation and the trucks are forced to go out Perry Road out to 101 and yet this operation contemplates using that route.

Mike Buskey, 257 Mason Road, said that road has been paved a couple of times, he is worried about the road and people speeding and the wear & tear and who will repair the roads with the truck traffic and excessive speeds. Seeing no further comments, Chairman Knott closed the public hearing at 8:06 p.m.

Chairman Knott asked if there were any comments from the Planning Board. T. Finan said the comments about the increase in traffic and noise has been going on for the past couple years. P. Amato, Spring Creek Sand & Gravel, said the traffic last winter and in August of 2019 was due to product being sold to

the McClellans so that caused ten loads to travel per day. At the end of that, the empty trucks return all at the same time. This summer, there was a lot of product being transported in August, the processing is only screening sand in the past couple of weeks. A lot of reclamation was done this past year, when we work at the top of the pit, the noise does carry. Dale White, Leighton White LLC, said the pit will cause less noise, the screening is very quiet, it is loaded on a rubber belt so it is more quiet and the wind carries the noise down into the pit but overall decreases the noise away from the houses. S. Robinson asked the applicant to talk about the speed and the roads. D. Knott said he does not have data on the speeds. J. Langdell said the speed is not a new issue, it is a public road.

D. Knott asked for a motion on the application. Attorney Cronin indicated that the easement issue is a civil matter and the notice does not need to state everything on the application, the notice and what is sent to abutters was done appropriately by the Town, the closest abutter is 570 feet away. The speed is a police matter, the condition of the road is what it is, there is a lot of money being paid by the applicant that could help with the road condition and repair.

P. Basiliere asked if the Planning Board will wait on information from Fish & Game before making a decision? D. Knott said the information being sought is part of the AoT from the State, we can make that a condition of the approval. J. Langdell asked if there are any other conditions? D. Knott has the identification of any stone walls and Note 23 being removed regarding the \$50 permit fee. Attorney Cronin said the applicant will pay all of the legally required permits and fees. J. Langdell asked if there are curb cuts for the two egress routes that come out on Mile Slip Road? P. Amato responded that there are, they have not made any new curb cuts and are looking at this with the use of haul road access and egress, if the civil matter is challenged and they cannot use the easement brought up tonight, P. Amato asked if this plan will need to be brought back to the Planning Board? All members agreed that is correct. P. Amato said he understands.

J. Langdell moved to approve the plan with the change to Note 23 as discussed. T. Finan seconded. All were in favor. Motion passed.

The Planning Board took a brief recess.

3. Approval of Minutes: October 1, 2019 & October 15, 2019.

P. Amato joined the Planning Board at 8:35 p.m. therefore P. Basiliere will be able to participate in the discussion but not vote for the remainder of this meeting. L. Dudziak moved to approve the minutes of October 1, 2019 as presented. T. Finan seconded. D. Knott, T. Finan, J. Langdell, J. LaFontaine, P. Amato and S. Robinson were in favor with L. Dudziak abstaining. Motion passed 6/0/1. P. Amato moved to approve the minutes of October 15, 2019 as presented. T. Finan seconded. T. Finan, J. Langdell, P. Amato, J. LaFontaine and S. Robinson were in favor with D. Knott and L. Dudziak abstaining. Motion passed 5/0/2.

4. Work Session:

a. Conservation Commission – Natural Resource Inventory. Chris Costantino, Conservation Coordinator, indicated there is no rush on this item and any discussion can be tabled to another Planning Board meeting. Due to the length of the meeting so far this evening, all concurred that this item be tabled this evening.

b. Conservation Commission – Brox Conservation Easement. Chris Costantino indicated the Conservation Commission intends to bring this item to the Board of Selectman Tuesday evening, November 12, 2019 for action. D. Knott asked if a letter can be drafted for Planning Board signature. C. Costantino said she can get that ready for Tuesday. J. Langdell said this is something that has been done for many year; the easement for the Conservation Commission was also approved for the Brox land and the Beaver Brook eastern portion. The gravel resource area, once completed, will become part of the Conservation land. J. Langdell said the acreage identified for active community use in the plan originally as compared to this is how much? Chris responded it is +/- 75 acres put into conservation. That amount was identified in 2014. P. Amato asked why would we want to put this land into conservation if we plan to use some of that land for town uses? Chris responded because that was part of the AoT. P. Amato said why does the State get to tell the town what to do with their land? L. Daley added it does reduce the overall area for conservation. When

the Master Plan was done originally, there was no information on the various species out there. Part of the overall AoT was to set aside 75 acres to provide habitat for the species. D. Knott asked if the original warrant article had something in it for the sand and gravel? Will this easement negatively impact that? L. Daley said this easement is a secondary step in the process that the town has to go through in the process. Chris Costantino remembers that the animals need upland in order to thrive and this is upland. J. Langdell moved to have the Planning Board write a letter to the BOS as defined in the Conservation Commission memo dated October 30, 2019 for a Conservation easement and that the Fish & Game agree to hold the easement. T. Finan seconded. All were in favor.

c. **Discussion – Floodplain Regulations, Commerce Community Overlay, Stormwater Regulations.** Kellie Shamel indicated that she had been contacted by the State reminding the Town of its participation in the National Flood Insurance Program (NFIP) and the requirement to meet the minimum regulation standards for the program. The state has provided an updated model ordinance to assist communities with adopting the minimum required regulations in order to continue participating in the NFIP. K. Shamel would like to update the town floodplain ordinance. The proposed language meets the minimal Federal requirements which include some changes to terminology and formatting. K. Shamel is working through the formatting with what the town currently has. J. Langdell said if this is for the ballot in March, there are deadlines that must be met. There needs to be two public hearings. P. Amato asked what if we do not do it this year? K. Shamel said we need to make sure the existing ordinance has the minimum requirements. J. Langdell asked what currently does not meet the requirements? P. Basiliere asked if we can get it in a Word format to have one document with the tracking changes to show the comparison. K. Shamel responded that she is in the process of comparing the two but did not finish it for tonight. This meeting was to introduce the updated minimum standards to the Board. She will continue to compare and bring this forward at the next meeting. Two public meetings will be scheduled once the changes are ready to present.

L. Daley explained the Commerce Community Overlay was originally developed in 2012 when there was a large scale project coming in that caused this to be created, but now we are finding that smaller projects also fall into this but it is not meant for those activities. The Solar Farm at Brox removes a large portion of this district from being used. L. Daley asked is it still viable for this area of town or does the Planning Board have an alternative for this or should it just be taken out of the regulations entirely? L. Daley said the solar farm will use 30 acres of the town land and another 45 acres will be used on another private property. L. Daley said the town is not seeing the level of interest in the properties out there in the overlay district. The usable area that falls into this overlay district is very fragmented. The solar farm is a private project and it has to go through all of the local approvals. 80% of the property in the overall district is removed with the advent of this solar farm. If the overlay district is removed, would it go back to its original zoning? The West Elm Overlay district could be used in place of the Commerce Community Overlay. We could pick out element of this overlay and keep them. At a minimum the opportunity for large scale projects in the overlay district will be gone if the solar farm goes through.

J. Langdell said the way the Community Commerce Overlay District is structured it would be difficult to pull out certain sections; but the West Elm District could be extended instead. It might be better to go back to and look at the original zoning for that area. P. Amato thinks Milford needs to keep the Industrial area for large projects. J. Langdell said it is how we manage the industrial land. P. Amato suggested making it more aesthetically pleasing which has allowed the Planning Board to do that without having another step of overlay district. L. Daley said we are not seeing the large scale projects that were being considered when this district was developed. L. Daley said the West Elm Overlay could be extended further down. D. Knott does not want to be too restrictive. L. Daley said the West elm Overlay District is a less aggressive approach but it gets to the same end point. J. Langdell said let's just take the Commerce Community Overlay document out this year and over the next year talk about options. J. Langdell said it is not up to the Planning Board, it is up to the voters. P. Amato said the overlay could go back to the original ICI-2 and Industrial and residential zones. This discussion will continue at the next Planning Board meeting.

5. **Adjournment.** The meeting was adjourned at 9:25 p.m. on a motion made by P. Amato and seconded by T. Finan. All were in favor. Motion passed unanimously.

Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

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449 MINUTES OF THE 11-5-19 MEETING WERE APPROVED 12/17/19