

MILFORD PLANNING BOARD MINUTES ~ APPROVED
February 15, 2022 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Janet Langdell, Member
Pete Basiliere, Member (arrived 6:51)
Elaine Cohen, Alternate Member
Paul Amato, Member (via zoom)
Susan Robinson, Member (arrived 6:35)
Dave Freel, Selectmen's Rep (arrived 6:45)

Staff:

Jason Cleghorn, Town Planner
Darlene Bouffard, Recording Secretary

This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to Executive Order 2020-04. As such, the meeting was conducted in person and on zoom.

1. **Call to order:** Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is for the first public hearing of two Planning Board regulations as well as one application for acceptance and review. D. Knott asked that E. Cohen vote in the absence of P. Basiliere. Planning Board members and staff were introduced by D. Knott who noted that Paul Amato is in attendance via Zoom.

2. **Public Hearing:**

- a. **Amend Planning Board Rules and Procedures, Adopted July 24, 2018 to revise Section XI, Site Walks, creating a definition, defining the purpose, and creating other clarifying language concerning Site Walks by Planning Board Members and a revision to Section XII, Standards of Conduct concerning the handling of complaints by Planning Board members.**

Jason Cleghorn explained this item is not subject to the Warrant Article requirements; this amendment creates more definition of a Site Walk, this was presented many times over the past few months and this is the first public hearing of the proposed changes. These changes create a process for handling an application in front of the Planning Board. The Planning Board Chair can add any agenda item to discuss any complaint that comes forward. It would be an item under "Other Business" at the discretion of the Chair. D. Knott asked if that item would just be a discussion of that complaint? J. Cleghorn said yes, this is just to discuss in public the complaint brought forward. Previously there had been a complaint that came in that should have been handled this way. P. Amato said if this change passes, we need to comply by it. J. Langdell said this is not very common. J. Cleghorn said this is not related to any specific complaint. D. Knott just wants to make sure it is not too broad. J. Cleghorn said the purpose of this is so that when a person approaches any Planning Board member, that the discussion gets passed on to staff first and then the Planning Board. J. Langdell asked why the last sentence was added? The Chair has the right to add any item to the agenda at any time. Any board member has the right to add any item to the agenda. P. Amato thought that this was to make sure anything that comes directly to a Board member is brought to the Planning Board as a whole, that it is not up to any one member as an individual to look into it.

Consensus of the Board was to strike the last sentence about adding an agenda item. J. Cleghorn will make that change. The definition of Site Walk has always been in the Planning Board Rules & Procedures and this is just for clarification. Hearing no further input from the Planning Board, D. Knott opened the hearing to the public. Seeing no

input from the public or on zoom, D. Knott closed the public hearing. J. Langdell moved to continue this review to the March 15 Planning Board meeting. E. Cohen seconded. J. Langdell in favor; E. Cohen in favor; T. Finan in favor; P. Amato in favor; D. Knott in favor. Motion passed. S. Robinson arrived at 6:35 p.m.

- b. **Amend Article X. Administration and Enforcement: Milford Gravel and Earth Regulations, Section C, Renewal** regarding the renewal of excavation permits, extending the validity of the permit from one to five years and revising the fee for an excavation permit.

Jason Cleghorn explained the first time this was discussed was just that, a discussion, not a public hearing. Tonight is the first public hearing on this regulation. J. Cleghorn indicated with this change, the validity of permit would be five years instead of one year for excavation permits and the cost of the permit would be \$100 instead of \$50. At the last discussion, the consensus of the Planning Board was to make that change but there was no further discussion from the Board. D. Knott opened the public hearing and asked those that wish to speak to state their name and address for the record.

David Palance, 19 Maple St, was on via zoom, and asked if the town has the ability to place penalties if the owner is not keeping the provisions of the permit in effect? J. Langdell explained there are clauses within the regulations that cover that. D. Palance asked what if someone is doing something different that the permit allows? J. Cleghorn said that would not be in the regulations it would be part of the Site Plan, they would be out of compliance with the Site Plan. P. Amato said the only power the Planning Board has is to revoke their permit and make them re-apply (if they are out of compliance). P. Amato does not remember there ever being a "fine" on a Site Plan, but the Planning Board can do other things.

J. Langdell said there might be a clause in the RSA about penalties, but she does not think there is. D. Palance had no other comments. D. Knott closed the public portion of the meeting. J. Langdell moved to continue this to the March 15 Planning Board meeting. T. Finan seconded. J. Langdell in favor; T. Finan in favor, S. Robinson in favor; P. Amato in favor; E. Cohen in favor; D. Knott in favor. Motion passed. P. Basiliere arrived at 6:51 p.m., D. Knott indicated that E. Cohen can stay at the table for the discussion as an alternate, but cannot vote since P. Basiliere is now seated as a member.

- c. **Case SD2021-16 B33 Lordens Plaza, LLC – The Dubai Group (owners/applicants).** Review of a Minor Subdivision designed to divide the parent parcel into two new lots with the parent parcel remaining. The parcels are located at 586 Nashua St. and are located within the Commercial "C" zoning district. Tax Map 44 Lot 6.

Janet Langdell moved to accept this application for review. T. Finan seconded. J. Langdell in favor; T. Finan in favor; P. Basiliere in favor; P. Amato in favor; S. Robinson in favor; D. Knott in favor. Motion passed.

Janet Langdell moved no potential regional impact associated with this application. T. Finan seconded. J. Langdell in favor; T. Finan in favor; P. Basiliere in favor; P. Amato in favor; S. Robinson in favor; D. Knott in favor. Motion passed.

Jason Cleghorn read the abutters list, there were no abutters present or on zoom. Doug McGuire, The Dubai Group, was in person to present on behalf of the applicant and has been involved with the other subdivision at this plaza for St. Marty' Bank. Mr. MacGuire indicated this is part of the overall plan to subdivide additional portions which requires zoning relief which has already been addressed but explains why this has been delayed. Tonight's subdivision is to subdivide the remainder of the lot into three parcels: the Shaw's Plaza; the lot for the portion in the middle and the other piece to the east (where the video store had been located in the past). The St. Mary's Bank lot and Starbucks' lots have already been subdivided off as separate parcels from the plaza.

Mr. MacGuire continued that the existing property did not meet the open space requirement and there was relief granted for that by the ZBA in January 2022. Relief was also granted for zero lot line setback and that is because the existing lot with Shaw's goes right up to the edge and this is an existing property and there is a reciprocal easement that governs everything on the site.

Attorney McHugh was attending via Zoom representing Bridge33 and was involved in that easement and can speak to that if needed. The reciprocal easement is very common for larger properties such as this which have shared amenities, parking, etc. It covers access, allows a subdivided parcel to act in unison and address any potential issues that may arise. The reciprocal easement does cover all of that and this is just a further subdivision of the parcel. The ownership of all parcels is currently the same.

Mr. MacGuire indicated that J. Cleghorn had a few items that needed to be added to the plan, for which he provided copies to Board members; he is asking for a conditional approval tonight on those notes to be added. Mr. MacGuire also noted that the Water Utility Department had some issues, but he feels that they were not be aware of the reciprocal easement that's in place. That agreement covers any of the water issues that were brought up. J. Langdell asked if the revised notes mention the ZBA decision? Mr. MacGuire said they do and the reciprocal easement is also being added to the plan. T. Finan asked about a loading dock that is on the plan and asked if that is a problem because it crosses the property line. Mr. MacGuire answered because of the reciprocal easement that is not an issue. J. Langdell asked about the water utilities questions and if those are covered with the reciprocal easement? J. Cleghorn answered that it does, and the Water Utilities Director was not aware of the easement for all utilities.

P. Amato said the utilities are provided once they are on the property, but the water meter is in the building and he thought the water department owned the meters? Mr. MacGuire does not know if there was an easement into the buildings, but if they need lights or access, they can do that. P. Amato said because this is just a subdivision, we do not see the water utilities. Mr. MacGuire said this is a recordable plan and utilities are not typically part of a subdivision plan. To help with finalizing the discussion, we put together an exhibit for review by staff \and Board members. J. Langdell asked to see that exhibit. Copies were passed out. P. Amato noted that this is the first time he has ever seen a subdivision plan where the line goes right through the building. J. Langdell asked if the Granite Town Plaza has been separated like this? P. Amato said the IGA building was a different owner. Mr. MacGuire said this would not be allowed and required a Special Exception and had to meet specific criteria, the Planning Board needs to meet the merit of the Special Exception; zero setback on the line is only accepted by Special Exception. D. Knott asked why this is being done? Mr. MacGuire believes that Shaw's will eventually want to purchase only the portion of the plaza that has Shaw's on it and

the other units have separate owners. J. Langdell wonders if that is the current trend. Mr. MacGuire said the reciprocal easement is done on these types of large plazas to protect all of the owners, it is very standard in these cases.

P. Amato suggested if the reciprocal easement was not well written, no one would want to buy those lots. Mr. MacGuire agreed and said that the reciprocal easement goes with the land, any future owners are subject to that agreement. S. Robinson asked if the water utilities concerns have been addressed? D. Knott said that it has been. D. Knott opened the public hearing, stating anyone wishing to ask questions or make comments should state their name and address for the record. There were no public comments or questions via zoom. D. Knott closed the public hearing.

Tim Finan moved to conditionally approve the application based on the resolution of items in the staff notes. J. Langdell seconded. T. Finan in favor; J. Langdell in favor; P. Basiliere in favor; S. Robinson in favor; P. Amato in favor; D. Knott in favor. Motion passed.

3. Other Business:

a) **Discussion of the Town of Milford Stormwater Management and Erosion Control Regulations.** J. Cleghorn explained that the Town Stormwater Consultant, Mike Vignale (KV Partners) has worked with the Town on these regulations to update them to the current standards. M. Vignale said these regulations go back to 1972, this is the next step beyond those regulations. In 2003, the town was MS-4 permitted; the new permit went into effect in 2018. M. Vignale presented important information on what these requirements are. D. Knott asked if sodium chloride is being dealt with? M. Vignale said not yet, maybe in a future update. M. Vignale said the model regulation was accepted by the town. P. Amato said the Town Stormwater Regulations have to be at least if not better than the model. M. Vignale said this regulation is for surface water, not groundwater; surface water does not address wells which are groundwater. Wells are not addressed here because this is addressing only surface waters. When an applicant comes in, the wetland needs to be located and that is the point of the measurement.

P. Amato asked is this the same as an AoT? M. Vignale said it is similar to an AoT. J. Cleghorn said this just sets up the threshold of what requires a stormwater permit. There are some engineering requirements with a stormwater permit but it is less burdensome than an AoT. J. Langdell said this is nothing new to the town. J. Langdell said this is making it less onerous. M. Vignale said this process is very similar to an AoT. P. Amato suggested an engineer needs to be hired for this. J. Cleghorn said we already have a stormwater management plan in place and this needs to be kept up to date. M. Vignale said a lot of what has changed is to update to current standards. Water quality is a new section in the regulations. J. Cleghorn said the purpose of MS-4 is to improve, the permit is to improve the features of the water. M. Vignale said there is a benefit to all of this. P. Amato asked why do these regulations need to be different from the State? M. Vignale answered they are similar to the State but not identical.

Jason Cleghorn said tonight, this is not a public hearing. A lot of what is in the stormwater regulations gets out to the public through outreach. J. Langdell asked what is the process for the town to remind the owner of stormwater inspections? How many properties does this impact in town? S. Robinson asked do the catch basins in town get monitored? M. Vignale said yes. J. Langdell said it is the reporting that needs to be done and get sent by Community Development every year. J. Langdell asked how that will get done? J. Cleghorn said we

have not gotten that far yet. D. Knott said if it is a big apartment complex, the cost will be part of the rent. P. Amato said a large plan will be under an AoT and would not be under Community Development. M. Vignale said yes it will because there needs to be reporting to be submitted. M. Vignale said this applies only to new developments. S. Robinson said when Walmart was first built, there were people monitoring the catch basins. M. Vignale said every plan has a requirement for the property owner to monitor the catch basins.

J. Langdell said it would help to know how many properties the town has that will be impacted, this is an unfunded mandate for towns. D. Knott asked about open space developments, do they report? M. Vignale answered this is going forward, not looking back. Only new developments need to address this. If this is a new permit, how can you go backwards? This is a new regulation going forward. P. Amato said this is implemented to enforce. Once the property is sold, the new owner is not going to keep up with it. J. Langdell said if they expect that the local towns are going to have to capture and track this. Pete Basiliere asked about public land, how is that done? M. Vignale said within a timeframe it will tell you to do certain things. D. Knott said if the town cannot get to it within the set timeframe, what is the outcome? M. Vignale said they can fine the town. J. Langdell asked if there is a companion document that outlines what has to be done including the fines? M. Vignale said it is a 65 page permit for New Hampshire. He has never seen that. J. Cleghorn said the coalition has a blog we can check. J. Langdell asked for the link for that blog. J. Cleghorn said the town gave the draft to five local engineering firms to review for these regulation updates. The town received comments from 1-2 firms, M. Vignale has talked to them. The regulations are from the EPA, some rules are not crystal clear, we are trying to learn as best we can. J. Cleghorn has been talking with Conservation to move forward with it.

The town has also been interviewing potential interns to hire in March to do some of the hands on pieces of this to get it into the GIS system. The reporting requirement, we have also monitored, now we need to report the findings. There might be new outfalls since the last collection. J. Langdell said it is clear that there will be an intern involved but there will also be staff involvement. S. Robinson asked if ARPA funds have been used for this? P. Amato said those funds have already been spent by the Selectmen. J. Langdell said with stormwater management being amended, we have been doing this for a while but there are other towns that are just getting involved such as Wilton. D. Knott asked what is driving this? M. Vignale said it is just for clean water, the biggest impact is getting sewage out of the water. There are a lot of old pipes that are tied in to the water. The samples and testing associated is a big deal. D. Knott said waste pipes getting tied into the water pipes is highly unlikely. M. Vignale said in new developments it is highly unlikely, but in the older developments, it was done. P. Amato said sometimes stormwater management systems are under parking lots, there is no way to tell if they are working. M. Vignale said reporting if it is working or is not only how quickly the flow goes down. P. Amato said there are systems in place but at this time they do not need to be reported.

Janet Langdell asked when will we be back to this? J. Cleghorn said as soon as we can, he has been asking to get on the agenda with Milford Conservation to work with them. We should bring the draft back to the Planning Board before anything is finalized. J. Langell asked for a date. J. Cleghorn thinks he can get back to Conservation in April. P. Basiliere would like to know how many properties this includes for the next meeting.

b) 2022 Goals and Objectives and Long Range Plan Implementation

Jason Cleghorn updated the table in the packets in accordance with comments from the Planning Board, he is looking for Planning Board input. What priority would the Planning Board like to see for Impact Fees and what are the priorities of the other items for 2022; he and Lincoln Daley have talked about possibly adding Impact Fees for sidewalks or for schools. P. Amato had asked if the entire Master Plan will be looked at and if a coalition will be put together? J. Cleghorn agrees with some of the discussions of the Planning Board and feels it might be time for an entire refresher of the Master Plan (as a whole). J. Langdell said whether we do it ourselves or hire someone, we need to take a look at it as a whole and not piece meal, we need to come up with themes for the next 25 years or so, it could be alternative energy, or water. The Master Plan right now is a great chapter but there is no vision. P. Amato agrees we have done it in pieces for so long that we need to look at it as a whole and look further ahead. We do not have a lot of cases coming forward right now, this might be a good time for this.

D. Knott asked if we want to use work sessions to review this? J. Langdell said there is more outreach needed and input on how to approach it. J. Langdell said when the last one was done there was outreach, it is more than just the 7 of us sitting around this table. We need to have more flexibility to have the public included. D. Knott said the Master Plan and CIP will take a few months each; workload needs to be taken into consideration for the Master Plan. It might be a good time now to look at this since there are not a lot of applications. J. Cleghorn suggested maybe having a consultant as a guide along the process. J. Langdell said the Impact Fees should be looked at every year and it has not been done in a while which will lead into the Master Plan.

Jason Cleghorn indicated that L. Daley will look into the current Impact Fees and provide data on what is being collected and how it gets disbursed for that discussion. J. Cleghorn would like to have a presentation from each department to explain their part to the Planning Board. D. Knott would like to get the Impact Fees looked at and identify how we can update as necessary. D. Knott does not have a problem having people come in to explain it. J. Langdell said a discussion with Water/Sewer about capacity and the charges subject to Economic Development and how any development fits into the future growth of Milford and future planning. P. Amato said to ask Water Utilities on the impact fees and looking forward for the next 25 years.

Janet Langdell hopes that we are all around for the next five years and the Master Plan will be redone again in five years. D. Knott likes the umbrella approach to the Master Plan. S. Robinson thinks the Planning Board should have a schedule and goals for these items, item by item; she also likes the umbrella plan. J. Langdell said that Milford's future vision should engage the community and identify dates and strategies to make it happen. S. Robinson stated that is more than just the Master Plan update, to which J. Langdell agreed. J. Langdell suggested reading the Master Plan which is on the Town website. Chapter 1 identifies the vision for that, with Recreation as a 3.5 year process. Start there which is where the overall idea of what is good for the Town going forward and then concepts were identified for each Chapter. E. Cohen said the Oval is not promoted as a walking destination and should be. P. Basiliere said part of the process needs to be for people to look into the future and that might be difficult. D. Knott said we are behind on reviewing the Impact Fees; we need to get a plan to start working on that. P. Amato said the Planning Board should invite people to the process of updating the Master Plan; we know there is a petition warrant article on the ballot for the Planning Board to be elected instead of appointed, maybe we can bring them into that. S. Robinson said there are two groups of people and we need to get both involved in the

Master Plan process. J. Langdell said we can get more people at the table to be involved as the Planning Board starts to look at the Master Plan. D. Knott said the Planning Board needs a path to get started. J. Langdell said she has some documents that pulled together on how to get started. J. Cleghorn will look at the Impact Fees with L. Daley for the next Work Session. J. Langdell indicated the most important duty of the Planning Board is to have a Master Plan.

- 4. Meeting Minutes:** November 30, 2021. T. Finan moved to approve the minutes of 11/30/2021 as presented. S. Robinson seconded. All were in favor. Motion passed.

5. Upcoming Meetings:

3/1/22 –Work Session

3/15/22 – Regular Meeting

Planning Board terms up for renewal in 2022 are for P. Basiliere, D. Knott and S. Robinson; all of which wish to renew. T. Finan moved to renew those three terms; J. Langdell seconded. All were in favor to renew those members; a letter from the Planning Board to the Board of Selectmen recommending renewal will be drafted and ready for signature at the next Planning Board meeting 3/1/22.

- 6. Adjournment.** The meeting was adjourned at 8:45 p.m. on a motion made by T. Finan and seconded by J. Langdell. All were in favor. Motion passed unanimously.

Date: _____

Signature of the Chairperson/Vice-Chairperson: