

MILFORD PLANNING BOARD MINUTES ~ APPROVED
November 16, 2021 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Paul Amato, Member
Pete Basiliere, Member
Janet Langdell, Member
Susan Robinson, Member
Elaine Cohen, Alternate Member
Dave Freel, Selectmen's Rep

Staff:

Jason Cleghorn, Town Planner
Darlene Bouffard, Recording Secretary
Alex Addonizio, Videographer

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 both online and in person.

1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is a Public hearing. This meeting is being conducted as a hybrid, both in person and via zoom. Chairman Knott introduced Planning Board and staff members.

2. Public Hearing:

- a) **Rescission Hearing for Case SD2021-06 Chappell Properties, LLC.** The Planning Board will deliberate and consider rescinding the previous approval of an unrecorded lot line adjustment and minor subdivision. Parcels are located at 454 NH Route 13 South in the Integrated Commercial-Industrial "ICI" zoning district.

J. Cleghorn explained that on April 20, 2021, a Lot Line Adjustment (LLA) and minor Sub-development was approved. The Subdivision was never recorded, as the applicant never submitted a mylar; now another LLA has been submitted for the same property. J. Cleghorn talked to NHMA legal counsel who advised that the town should rescind the original approved LLA in order to review the new LLA application. S. Robinson asked if the new LLA is related to the first? J. Cleghorn said the approved LLA created a new lot and the main lot was maintained and this LLA application alters the other lot. There was a "claw" as a result, which the Planning Board did not really like. Now the Planning Board is asked to rescind the approval of that prior LLA, this is an abundance of caution, the plan was never recorded and J. Cleghorn is following the NHMA guidance and recommendation. This is a public hearing to do the rescission for Case SD2021-06 Chappell Properties LLC.

Carl Foley, Engineer for Fieldstone, came to the Planning Board with the LLA plan which was approved. We still have two lots of record, and they are asking the town to rescind the original plan approval and the applicant has come before the Board with a new LLA application. D. Knott opened the meeting to the public asking for comments or questions. There were no comments or questions from the public. D. Knott closed the public hearing. D. Freel moved to rescind the original LLA SD2021-06. P. Amato seconded. All were in favor. Motion passed.

- b) **Case SD2021-14 Chappell Properties, LLC (owner) Lot Line Adjustment concerning Tax Map 48 Lots 7 and 8.** The parcels are located at 454 NH Route 13 South in the Integrated Commercial-Industrial "ICI" zoning district.

T. Finan moved to accept the plan for review. D. Freel seconded. All were in favor. Motion passed. J. Langdell moved no potential regional impact. P. Basiliere seconded. All were in favor. Motion passed.

J. Cleghorn read the abutters into the record. Carl Foley, Fieldstone Engineer, explained this is the new LLA application and the plan was distributed to members. The lot is part of lot 48 and it is being proposed to take parcel A and have that become part of lot 48/7 which would increase its size to 2.34 acres which is much more conducive to development. There are no waivers requested, and the lots meet the current zoning requirements. There is an easement and once the land has been conveyed, the easements will also be conveyed.

D. Freel asked if lot 48/5 will always be just an access? C. Foley responded yes. P. Amato stated the barn is used by Souhegan Motor Sports. C. Foley asked for questions from the Board. P. Amato said this is all owned by one party, in order to have this recorded, do the easements need to get recorded? C. Foley said the easements will be prepared prior to the closing and conveyed after the closing. C. Foley can add the easement that crosses lot 48/7 on the plan if requested. P. Amato asked if the Board wants those easements recorded now or once it is conveyed? The way it is designed, these easements should be on the plan. J. Langdell said the easements need to be provided on the plan in order to record it. The easements could be referenced in a note on the plan. D. Knott said the Board wants to make sure that it is there before the plan is recorded. J. Cleghorn said we have the language and it just needs minor amendments. P. Amato said there could be a line added or have a note that the easement language must be provided to the town.

P. Amato said the Board does not know what the language is for the easement. If the Board approves this and could the easements be provided to the town prior to it being recorded? P. Basiliere is in favor of what is recommended by P. Amato, to record the easement on the plan now instead of later. D. Freel is not in favor of having the easement recorded with the subdivision, it is all owned by the same entity. J. Langdell said there is an easement in existence now. C. Foley said you would not have an easement over your own property. P. Amato said the site plan for the warehouse was to have an easement over that property. C. Foley said he can put a line in for a future easement. P. Amato said that was a condition of the site plan for the warehouse. D. Knott said they are not changing anything in the access. The property access easement is for both lots. J. Langdell said the new warehouse had an approval for the access. P. Amato said yes and there is a Site Plan on record that has an easement.

The Board took a 5 minute recess.

The meeting resumed at 7:05 p.m. J. Cleghorn stated the approved Site Plan for the warehouse in July 2020 has easement access for 48/5. D. Knott asked him about an easement not being given in the packet? J. Cleghorn said he was not sure if he should provide it but he is also not a lawyer. D. Knott said he wants to make sure the access is kept for 48/5 and 48/6. P. Amato said the access is not shown for 48/5 and that it needs to benefit 48/8. The access that is shown benefits 48/7. C. Foley said we can put an easement on the plan for when the property is conveyed, that there is a property access easement across 48/7 for the benefit of 48/8. P. Amato said with a LLA, you do not tend to do an easement, we did a Site Plan for 48/5 with an easement from 48/7. P. Amato said the worst that could happen is the existing business would need to go out on Old Brookline Road (which we do not want). J. Cleghorn said there are two solutions possible: 1- add a notation to the drawing or 2-provide easement language to the town prior to it being recorded, both options would meet the intent. C. Foley would like to have the line for easement added to the plan to benefit the lots. The note would say that both lots would benefit from the easement and both lots would be listed.

D. Knott opened the meeting to the public. J. Cleghorn said there is no one waiting to speak on Zoom. D. Knott closed the public meeting.

P. Amato moved to grant the Lot Line Adjustment as presented and extend access with the proper easement over 48/7 to benefit 48/5. T. Finan seconded. All were in favor. Motion passed.

- c) **Case SD2021-15 Frank Kling/Mengyuan Property Management (owner) Major Subdivision review for a six lot condominium to construct six (6) townhomes.** The parcel is located at 159 Elm St. in the Commercial "C" zoning district. Tax Map 19 Lot 5.

D. Freel moved to accept the plan for review. P. Amato seconded. All were in favor. Motion passed. J. Langdell moved no potential regional impact. P. Basiliere seconded. All were in favor. Motion passed.

J. Cleghorn read the abutters into the record. D. Knott asked who is presenting this plan. F. Kling, owner, said the materials were submitted and he had nothing further to add. J. Cleghorn indicated last month the Planning Board approved the Site Plan for this project, the applicant at that time expressed that he wished to sell the units as condominiums. At the last meeting there was interest in having the HVAC screening added to the plan. Staff will record the Subdivision Plan once it is provided. P. Amato asked if staff has seen the condominium documents? J. Cleghorn said he has and they look good, the documents need approval and a layout but that is all. D. Knott opened the meeting to the public for comments or questions. Seeing none, D. Knott closed the public portion of the meeting.

D. Freel moved to approve the condominium subdivision as presented. T. Finan seconded. All were in favor. Motion passed.

- d) **2022-2027 Capital Improvements Plan.** J. Cleghorn indicated this will not be discussed tonight because there are some changes that are being worked out and it will be presented at the December 7 Planning Board work session.

3. **Other Business:** J. Cleghorn briefed the Board of upcoming meetings including the work sessions coming up to review draft ordinances.

4. **Meeting Minutes: 10/5/21 and 10/19/21.**

J. Langdell requested an amendment to the 10/5/21 minutes. T. Finan moved to approve the minutes of 10/5/21 as amended. P. Basiliere seconded. All were in favor. Motion passed.

P. Basiliere moved to approve the minutes of 10/19/21 as presented. P. Amato seconded. All were in favor. Motion passed.

5. **Upcoming Meetings:** There are potential work sessions proposed for review and finalization of Warrant Articles. The revised schedule was forwarded to all members including those proposed work session dates. J. Cleghorn said this is the holiday season and people will be leaving for vacations. J. Langdell said there are some Board members that are involved in other organizations that might conflict with proposed dates. S. Robinson noted she will not be in NH for the month of December. P. Amato will not be in NH from December 7-18.

6. **Adjournment.** The meeting was adjourned at 7:45 p.m. on a motion made by P. Amato and seconded by D. Freel. All were in favor. Motion passed unanimously.

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

APPROVED