

MILFORD PLANNING BOARD MINUTES ~ APPROVED
SEPTEMBER 19, 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 (via Zoom)

Staff:

Terrey Dolan, Director Comm. Development
Darlene Bouffard, Recording Secretary
Andrew Kouropoulos, Videographer

Excused:

Dave Freel, Selectmen's Rep
Susan Robinson, Member

1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight's agenda includes two applications. The Board and staff were introduced; D. Knott asked that S. Smith vote in the absence of S. Robinson.

2. Approval of Meeting Minutes: The minutes of August 15, 2023 were reviewed. S. Smith had one amendment. P. Amato moved to approve the minutes as amended. S. Smith seconded. P. Amato in favor, S. Smith in favor, A. Ciardelli in favor, P. Basiliere in favor, J. Langdell in favor and D. Knott in favor. Motion passed.

3. Public Hearings:

A. Case SD#2023-02- Lot Line Adjustment Request (Wisniewski & Peterson)

The applicant is seeking approval of a Lot Line Adjustment to legally transfer back 1.3 acres from Map 10 Lot 3 (located at 30 Woodward Drive) to the adjoining Map 10 Lot 20, (located at 38 Woodward Drive). Property is within the Residence "R" Zoning District. The resulting total acreage for Lot 3 would become 57.453 acres; while Lot 20 would result in a total of 2.622 acres. This acreage transfer re-establishes the two properties to their pre-2007 acreage totals, (pursuant to the Planning Board's original approval of Case SD#2007-09). This property acreage adjustment is being requested through a Lot Line Adjustment Request, pursuant to Section 5.05 & 5.06 of the Town of Milford's Development Regulations.

D. Knott read the application, asking T. Dolan if the application is complete. T. Dolan stated that the application is complete. J. Langdell moved to accept the application for review. P. Basiliere seconded. J. Langdell in favor; P. Basiliere in favor; P. Amato in favor, A. Ciardelli in favor; S. Smith in favor; and D. Knott in favor. Motion passed.

Janet Langdell moved no regional impact for this application. P. Amato seconded. Janet Langdell in favor; P. Basiliere in favor, P. Amato in favor, S. Smith in favor, A. Ciardelli in favor and D. Knott in favor. Motion passed.

Abutters were read into the record by D. Bouffard. A few abutters were present.

Dan Barowski of Fieldstone, representing the applicant, explained the Lot Line Adjustment; the properties are both in the R district. Mr. Barowski explained the parcels and what is being adjusted; one lot will be reduced and one lot will be increased in size. There is really nothing more to the application.

Andrew Ciardelli, noted that this is pretty straightforward and had no questions. P. Amato said this does not create another building lot but he presumes that eventually there will be a lot merger into one

lot. T. Dolan agreed this is pretty straightforward; noting the original plan showed these lines and the applicant, Mr. Wisniewski is just returning to that original plan as it was before. Seeing no further comments or questions from the Board. D. Knott opened the public portion of the meeting asking that owners or abutters please go first and state your name.

Robert Wisniewski, applicant, stated this Lot Line Adjustment is critical and does not move anything from the conservation easement that is on the land. Parcel A was always in the R district, it is not intended to be a building lot, he wants to make sure it does not get hit with Current Use. P. Amato said that is a tax issue, which this Board does not get involved with. There were no other comments or questions. D. Knott closed the public portion of the hearing.

P. Amato moved to grant this Lot Line Adjustment. J. Langdell seconded. P. Amato in favor; J. Langdell in favor; P. Basiliere in favor; A. Ciardelli in favor; S. Smith in favor; and D. Knott in favor. Motion passed.

B. Case SD#2023-03-Lot Line Adjustment Request (Hull & Jette)

Adjoining property owners of two single family residential lots within the Residence "R" Zoning District wish to exchange two minor parcels of land of equal size (listed as Parcel "A" & Parcel "B") along a common side lot line within a previously approved and recorded single family home subdivision known as Berkeley Place. Each parcel to be equally exchanged is calculated as .056 acres (2,438 sq feet). Homesites located at 706 NH Route 13S (Map 52 Lot 82) and the easterly adjoining lot located at 15 Berkeley Place (Map 52 Lot 78) request this equal minor exchange of property through a Lot Line Adjustment Request, pursuant to Section 5.05 & 5.06 of the Town of Milford's Development Regulations.

T. Dolan indicated this application is complete for a Lot Line Adjustment to assist the owners to essentially swap equal portions of the two lots (of the same size) along the common property line.

Doug Knott indicated the application is complete. J. Langdell moved to accept the application for discussion. P. Basiliere seconded. J. Langdell in favor; P. Basiliere in favor; P. Amato in favor; A. Ciardelli in favor; S. Smith in favor; and D. Knott in favor. Motion passed.

Janet Langdell moved no regional impact associated with this application. P. Basiliere seconded. J. Langdell in favor; P. Basiliere in favor; P. Amato in favor; S. Smith in favor; A. Ciardelli in favor; and D. Knott in favor. Motion passed.

Abutters were read into the record by D. Bouffard. A few abutters were present.

Sam Ingram of Meridian, presenting for the application explained the Lot Line Adjustment, stating that the two owners want to adjust the common lot line between the properties. The property line was marked out and it was found that the line was off, therefore two triangular pieces on each property with the same acreage, will be swapped. There is no increase or decrease in lot size. J. Langdell asked about the neighbors with the turn around? P. Amato explained the resulting lots and Sam Ingram passed out a similar map showing the result. J. Langdell then understood the exchange.

Sam Ingram explained the original lot was defined and approved near the road and it was part of the original development plan, he believes the frontage line needed to be met and caused this to happen. T. Dolan indicated it actually followed the power line. S. Ingram thinks it was done in the 1993 timeframe. T. Dolan pointed out the photo in the packet to explain to members. P. Amato agrees it must have been done to meet the frontage requirement.

Andrew Ciardelli is familiar with these lots and there is a strip of land, he thinks it might have been to account for landscaping. Seeing no further questions or comments from the Board, D. Knott opened the public portion of the hearing, stating that abutters should step up first and please state your name. There were no questions or comments from the public. D. Knott closed the public hearing.

Paul Amato moved to grant the Lot Line Adjustment as presented. P. Basiliere seconded. P. Amato in favor; P. Basiliere in favor; A. Ciardelli in favor; J. Langdell in favor; S. Smith in favor; and D. Knott in favor. Motion passed.

4. Potential 2024 Town Articles – General Discussion:

Chairman Doug Knott explained this is for the possible town article for the Industrial Zone open space reduction. This came up from requests of both Hitchiner Industries and Marmon Utilities. T. Dolan has researched other ordinances in NH to identify the percentages of open space allowed. Some information was collected, however it was found that some towns do not identify the amount of open space required on the lots in a development. P. Amato said it also depends on parking or storm water. J. Langdell is trying to get information available to the Board. The towns looked at for this were identified by L. Daley.

P. Basiliere feels Milford is not out of line with the 30% open space, but could allow less in certain situations. P. Amato said the remainder of the Industrial land is minimal, other than Brox and a few others; the problem is the existing businesses that have outgrown their parcels. P. Amato thinks both businesses should be able to combine all their land and all of the open space together. Both Marmon and Hitchiner would like to remain in Milford and they both are just trying to do business with railroads all around them. P. Amato thinks it is important to keep the industries close.

For the instances that a business is in need to use the open space, it was thought that by using a Variance with the Planning Board would be the best way forward, so that it is just for that parcel, and not for the entire zone. P. Amato thinks the ordinance should remain the way it is (with 30% open space) and allow a Waiver to be done on a case by case basis; J. Langdell thinks the process should have more “teeth”. A. Ciardelli asked if it is a Waiver, does it go to future owners or with the land? P. Amato said it would go with the property. It would be no different than any other Waiver such as parking. P. Amato asked that T. Dolan review the requirements to be sure we can do this, and leave the ordinance as it is but have a way to make it work. J. Langdell would like to see what Merrimack does. J. Langdell would like to talk to the companies that have requested this, and come up with a solution together. P. Amato and P. Basiliere agree having a conversation together might produce a result that is good for the town and the business. T. Dolan stated that if using the ZBA for a Variance, it would be hard to identify hardship, which needs to be proven; he thinks a Waiver might be better to get through the Planning Board.

Janet Langdell asked how does the Planning Board NOT set precedent? D. Knott’s concern is that if every business participates, but it is not a standard, we might need to negotiate with each Waiver that comes up. The Industrial zone might be attractive because you can build anything there. P. Amato suggested creating an overlay with color and identify developable industrial land. We could discuss the areas that really can be developed but there is not much left. J. Langdell agreed; if we put in a Waiver program, it allows the Board to discuss the applicant on a case-by-case basis.

S. Smith added that if the industrial land abuts residential properties, that would also make a difference. It was agreed that T. Dolan would come back with a map of the developable and available Industrial land in Milford, including slopes or wetlands and recommendations for waiver criteria. J. Langdell suggested that T. Dolan also call Steve Buckley at NHMC for assistance and also talk with Dawn Tuomala in Merrimack.

5. Upcoming Meetings:

10/03/23 – Planning Board Work Session
10/17/23 - Planning Board Meeting

6. Adjournment.

The meeting was adjourned at 7:35 p.m. on a motion made by P. Amato and seconded by P. Basiliere. P. Amato in favor; P. Basiliere in favor; A. Ciardelli in favor; J. Langdell in favor; S. Smith in favor; S. Robinson in favor and D. Knott in favor. The motion passed unanimously.

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

The Planning Board minutes of 09-19-23 were approved 10-17-23

APPROVED