

1 MILFORD PLANNING BOARD MINUTES ~ APPROVED

2 July 20, 2021 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Tim Finan, Vice Chairman

7 Paul Amato, Member

8 Janet Langdell, Member

9 Pete Basiliere, Member (Via Zoom)

10 Susan Robinson, Member (initially Via Zoom, arrived 6:35 p.m.)

11 Dave Freel, Selectmen's Rep

**Staff:**

Jason Cleghorn, Town Planner

Darlene Bouffard, Recording Secretary

Nate Addonizio, Videographer

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14 This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to  
15 Executive Order 2020-04. As such, the meeting was conducted both online and in person.  
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17 **1. Call to order:**

18 D. Knott called the meeting to order at 6:30 p.m. indicating that tonight there are two applications to be heard.  
19 This meeting is being conducted as a hybrid, both in person and via zoom. Chairman Knott introduced  
20 Planning Board and staff members.  
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22 **2. Public Hearing(s):**

- 23  
24 a) **Case SP2021-18 Duncan Solar Array/All Energy Solar (owner/applicant).** Minor Site Plan and  
25 Conditional Use Permit review for a 540 s.f. ground mounted solar array. The parcel is located at 47 Ball  
26 Hill Road in the Residence "R" zoning district. Tax Map 47 Lot 63-2.

27 T. Finan moved to accept the application for review. P. Amato seconded. All in person members were in  
28 favor, P. Basiliere was in favor. Motion passed.

29 P. Amato moved no potential regional impact on this application. J. Langdell seconded. All in person  
30 members were in favor, P. Basiliere was in favor. Motion passed.

31 J. Cleghorn read the abutters list. J. Cleghorn explained this application is for a solar array connected to a  
32 single family residence in the Residence R zone, to power the house. The solar ordinance is very good  
33 and thorough. In this instance for residential use, the solar table only allows up to 500 square feet. After  
34 a lot of discussions, Lincoln Daley and Jason Cleghorn came up with the process to have the applicant file  
35 a minor site plan with Conditional Use Permit because it is slightly larger than the ordinance allows. J.  
36 Cleghorn has looked at the photos and does not see any impact to the abutters. The applicant is here  
37 tonight and his solar representative is here tonight via Zoom.

38 S. Robinson arrived at 6:35 p.m. D. Knott invited S. Robinson to join the Board. J. Langdell feels the  
39 regulation has allowance for a Residence R solar array. This is a different size, but could the applicant  
40 just have requested relief through Zoning? J. Cleghorn explained that he and L. Daley discussed that and  
41 decided to go this route. J. Langdell asked why is it called a commercial unit? J. Cleghorn said it is not  
42 commercial solar, but it is because it is returning power to the grid. J. Cleghorn said the applicant can  
43 explain that to the Board.

44 Chris Duncan, applicant, said the size is what they said was acceptable for the amount of power his  
45 residence uses per year. 28 panels would be installed; the solar representative has been out there four  
46 times and told Mr. Duncan to remove 100 trees for good access and said abutters will not see the panels  
47 unless in the backyard. D. Freel said whatever power you do not use will go back to the grid. Chris  
48 Duncan said if we use more than what is produced, it gets credited back to him.

49 Colin Buechel, All Energy Solar representative, indicated that is correct. D. Knott asked if the 500 square  
50 feet is the maximum, but is that adequate for an average house in New England or is that too small? C.  
51 Buechel responded the residential panels are this size. We have 28 panels for one single array. There are  
52 some larger houses where we get closer to 1000 square feet. D. Knott said this is a residential use so is  
53 the Milford regulation size too small? C. Buechel responded it is a tad restrictive but it is not uncommon  
54 to have a smaller system with 9 panels, but it depends on the customer usage. This is a middle of the road

size for a residential system. P. Amato asked what is the panel size proposed? C. Buechel responded, after calculating the size from metric, that it is 21.5 square feet for each panel. D. Freel asked if 500 square feet is the size of the array or can a person have two separate 500 sf arrays on their property? Or is it limited to only one, it seems like it should allow more than one array on a person's own property. J. Cleghorn believes it is a maximum for 500 square feet per residential parcel. J. Langdell said when the regulation was developed, there was a lot of time and research put into it and it was reviewed by staff. D. Freel thinks maybe we just need to review it again. D. Knott said it is a new regulation and maybe we are being too restrictive. S. Robinson said it sounds like it is off by just a bit; we are learning ourselves, this is a new regulation. D. Freel said the goal is to satisfy the residents' needs and any leftover can allow a better rate. D. Freel does not see any problem with having two 500 square foot solar arrays. P. Amato said it is not that they cannot do over 500 square feet, it is that they need to do a Conditional Use Permit and each application is different. Conditional Use Permits are also new to Milford.

J. Cleghorn noted that this array is both a ground-mount and roof-mount. C. Buechel said this array is under the regulation kilowatt power, we are here because it is over 500 square feet, it is 540 square feet. But that is from a birds eye view, not the measurement of the panel. T. Finan read from the regulation on the requirements. D. Freel said the measurement is the overall panel dimension, not the birds' eye view. D. Freel has no problem with this. J. Langdell is concerned about the process, she thinks it could have been relief granted through Zoning. P. Amato said we are still trying to figure out the whole CUP process. J. Langdell said it is clear in the regulations that this is allowed in Residence R, but other types are by CUP. J. Langdell said they could have gone to the ZBA for the extra 40 square feet. J. Cleghorn said we could do this through Zoning the next time. D. Knott asked for any further comments.

P. Basiliere, via Zoom, asked if it is possible to reduce the array to under 540 square feet by pulling out two of the panels? Colin Buechel said the racking system would still be there, but panels could be removed, we got to this number based off the customer's usage. P. Amato thinks the system should be designed by their need, not by the ordinance. P. Basiliere agrees, he was just asking if it is possible, if not, then we cannot do that. His only other reservation is that from the road, he could see through the trees to this area, but if the abutters have no problem then he has no problem. D. Knott opened the public portion of the meeting, asking for abutters to identify themselves and speak first followed by interested parties.

Mike Thornton, 561 North River Road, is a ZBA member, and asked if any issue like this comes up in the future, that it be handled by the ZBA and that a training session be held for both ZBA and Planning Board members. Seeing no further comments, D. Knott closed the public hearing.

P. Amato moved to approve the Minor Site Plan and Conditional Use Permit. D. Freel seconded. T. Finan, D. Freel, P. Amato, S. Robinson were in favor, P. Basiliere was in favor. J. Langdell and D. Knott were opposed because of the process. Motion passed 5/2.

- b) **Case SD2021-07 Bentley Management Group (owners/applicants).** Lot Line Adjustment review. The parcels are located on Federal Hill Rd. just before the Hollis town line in the Residential "R" zoning district. Tax Map 59 Lots 4 and 4-2.

J. Langdell moved to accept the application for review. T. Finan seconded. All in person members were in favor, P. Basiliere was in favor. Motion passed.

P. Amato moved no potential regional impact. J. Langdell seconded. All in person members were in favor, P. Basiliere was in favor. Motion passed.

J. Cleghorn read the abutters list.

Craig Francisco, representing the applicant, was present via Zoom. J. Cleghorn provided the electronic plan as it currently exists and how it is proposed to change with a Lot Line Adjustment. This LLA is to better lay out the two parcels to allow both lots to meet frontage requirements. J. Cleghorn pointed out that the applicant has enough frontage for a Single Family Residence on each lot, but not for a multi-family residence. P. Amato asked if there are currently any buildings on the lot? C. Francisco said there are no buildings on the existing lot. P. Basiliere does not have a problem with this. There were no other comments from members. D. Knott opened the meeting to the public asking for abutters to identify

themselves and speak first followed by interested parties. There were no public comments. D. Knott closed the public hearing.

J. Langdell moved to approve the application as presented. P. Amato seconded. All in person members were in favor, P. Basiliere was in favor. Motion passed.

### 3. Other Business:

**a. Potential Planning Board Alternate Member.** Elaine Cohen was present for this meeting. D. Knott asked Elaine to step up to the Planning Board table and asked why she would like to volunteer for the Planning Board. E. Cohen said she worked for a builder in Florida for many years and recently retired and moved back to Milford. She felt her background might be of interest and be helpful to the Planning Board. She has seen over the years that happens when there are a lot of developments and has seen the outcome. D. Freel asked if this is a Full or Alternate Member position? J. Langdell said we only have the Alternate position open. D. Freel asked how many full members are there? J. Langdell answered by statute the Planning Board has 7 members, it is all spelled out in the Planning Board handbook.

D. Knott thinks it would be good for Elaine to attend a couple of Planning Board meetings. Elaine responded that she has attended a few via Zoom. P. Amato said in a Work Session, the Alternate can actually participate in the discussions, which is different than a regular meeting. The Planning Board usually has one Work Session and one regular meeting per month. D. Knott explained that an example of a Work Session would be for the Planning Board to talk about the town ordinances and possibly consider amendments. For a regular meeting, the Alternate would only vote in the absence of a regular member. J. Langdell said that the Nashua Regional Planning Commission is a great resource for new members.

P. Amato asked how many homes would typically be built and sold in Florida in a year? Elaine responded about 2200. D. Knott explained the Planning Board meetings are held every first and third Tuesday of each month. J. Langdell asked that the link to the Planning Board handbook be sent to Elaine so she can become familiar. After attending a couple of in-person Planning Board meetings, the Planning Board can make a recommendation to the Board of Selectmen to appoint Elaine as an Alternate to the Planning Board. After the recommendation goes before the BOS, they would request an interview with Elaine, as they do for any first time member of any town Board. If she is approved for appointment the last step would be to get sworn in. P. Amato indicated there are two sides to every story for applicants that come before the Planning Board. Elaine said she is in process of re-familiarizing herself with the way things are done in NH and a town versus a city. The smaller towns sometimes do not have their own planning office and NRPC can always help those smaller towns. D. Knott thanked Elaine for her interest in serving on the Planning Board and said we will be in touch on this.

**b. The Reserve Development Agreement Update and Amendment.** J. Cleghorn explained the applicant is present via Zoom this evening, to discuss the development agreement with the Reserve and that it is going to expire in August of this year. They would like to move the end date out to 2022. The status of bonding was presented. Eric Jackson, representing Stabile for The Reserve development agreement was present via zoom, explaining this is a private road, so there is no bond remaining. J. Langdell thinks that Eric is correct, Robert Courage, Town Water Commissioner came to the Board a couple years ago indicating there is no bond on that road, as it is private. P. Amato does not understand why there is a cost table as Exhibit A if there is no remaining bond. J. Cleghorn said he had followed that process for the last amendment and noted the items that are complete, but the only thing that changes is the end date being changed from August 2021 to August 2022. Eric said the top coat of the road is the only item remaining for the road and that will most likely be done this summer.

D. Freel moved to amend this third development agreement for The Reserve to extend the end date to August 2022. P. Amato seconded. All in person members were in favor, P. Basiliere was in favor. Motion passed.

**4. Meeting Minutes:** The Planning Board minutes of 6/1/21 were reviewed. T. Finan moved to approve the 6/1/21 minutes as presented. P. Amato seconded. All were in favor. All in person members were in favor, P. Basiliere was in favor. Motion passed.

The Planning Board minutes of 6/15/21 were reviewed. T. Finan moved to approve the 6/15/21 minutes as presented. P. Amato seconded. All were in favor. All in person members were in favor, P. Basiliere was in favor. Motion passed.

**5. Upcoming Meetings/Discussions:**

8/3/21: J. Langdell asked if potential CIP members have been notified and/or identified as of now. J. Cleghorn will check with Lincoln on that. T. Finan indicated he would like to step down from CIP this year. J. Langdell asked that a follow up be provided to Planning Board members once this has been confirmed. The CIP process is a development tool available to the Board of Selectmen during town planning and budgeting. P. Basiliere indicated he would like to remain on the CIP committee for this coming year. For the August 3, 2021 Work Session, the topics include CIP Committee; Town meeting Zoning Ordinance or Development regulation amendment(s); Town Counsel – ZBA and Planning Board introductions (John Ratigan).

8/17/21: There are currently three new Planning Board applications for consideration: 3-lot subdivision off Wheeler Street; LLA on Ponemah Hill Road and Scenic Road hearing for Mason Road to allow construction of a second driveway.

**6. Adjournment.** The meeting was adjourned at 7:39 p.m. on a motion made by P. Amato and seconded by D. Freel. All were in favor. Motion passed unanimously.

Date: \_\_\_\_\_

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Signature of the Chairperson/Vice-Chairperson:

**MINUTES OF THE 7/20/21 MEETING WERE APPROVED 8/17/2021**