

MILFORD PLANNING BOARD MINUTES ~ APPROVED  
October 20, 2020 Board of Selectmen's Meeting Room, 6:30 PM

**Members Present:**

Tim Finan, Vice Chairman  
Paul Amato, Member  
Janet Langdell, Member  
Pete Basiliere, Alternate Member  
Susan Robinson, Member

**Staff:**

Kellie Walsh, Planner  
Darlene Bouffard, Recording Secretary

**Excused:**

Doug Knott, Chairman  
Laura Dudziak, Selectmen's Rep.

**MEETING PREAMBLE DURING COVID-19 EMERGENCY**

*Good Evening, as Chairman of the Planning Board, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, State, and Local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spear of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.*

*At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply.*

*Public comments will be limited to three minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that person will be removed from this meeting.*

*Please note that all votes that are taken during this meeting must and will be done by Roll Call Vote.*

*Let's start the meeting by taking a Roll Call attendance. When each member states their name, also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know Law.*

Members and staff were polled individually: T. Finan was in the Community Development Conference Room alone; J. Langdell at her home in the room alone; P. Amato was at his home in the room alone; P. Basiliere was at his home in the room alone; S. Robinson was at her home in the room alone; K. Walsh was in her office alone at Town Hall.

**1. Call to order:**

In the absence of Chairman Knott, Vice Chairman T. Finan called the meeting to order at 6:30 p.m.

**2. Public Hearing(s):**

- a. **TEG Holdings, LLC (owner/applicant)** – Review for acceptance and consideration of final approval for a subdivision plan to subdivide the existing lot of record into three parcels in Milford and one parcel in Brookline. The parcel is located at an unnumbered lot on Osgood Road in the Residence R District, Wetland Conservation and Floodplain Management Overlay Districts. Tax Map 51, Lot 23.

This parcel is also located on a designated Scenic Road (Osgood Road) which requires a public hearing per NH RSA 231:158. *This item is continued from the September 15, 2020 meeting.*

T. Finan indicated it was determined in September that there was potential regional impact and the town of Brookline was notified. The determination of NRPC was that because it is on the border of two towns they agreed that there was potential regional impact but it was found that there would be no regional impact, the findings are in tonight's packets. P. Basiliere asked if we should accept the NRPC findings? P. Amato said the Planning Board never did that before, we just put it in the record in the file that these were the findings.

Ken Lehtonen is presenting this application but his engineer is at another meeting and asked if he can join us in a few minutes? K. Walsh said she just admitted John Rohky into the meeting. John explained he is representing TEG holdings for this subdivision plan. John presented the subdivision plan for which there is one section in Milford and another in Brookline. Tonight we are just talking about the part in Milford. There are three lots in the subdivision and each has the required frontage. The middle lot also has a wetland, so in order to have a driveway, the plan is for an access easement across the abutting parcel. The wetland in the middle is a deep ravine with steep slopes. The grading works well for a single family residence with septic and well water. The lots are all over five acres. The local driveway permit would be the only permit needed. No AOT would be required because the disturbance does not reach that level. It is not in a shoreland protection area either. John asked for questions from the Board.

P. Amato asked about the Milford Conservation Commission (MCC) letter. John responded the MCC concern is the wildlife and wetland areas and by not disturbing the wetlands and working with the buildable area outside of wetland this should not be an issue. By just building three single family homes, it will blend in with what already exists. P. Amato asked if the MCC did a site walk? John does not believe that was done. P. Basiliere said the MCC suggested the wetlands be excluded from the newly created lots. They want to protect the wetlands. John responded the wetland boundaries can be put up to mark the wetland but to exclude the wetland off a lot is not a normal thing in NH. P. Amato said there is no rule that requires removal of a wetland from a lot. P. Amato asked if the map shows the wetland buffer? J. Rohky responded that he can make it clearer on the plan to show the wetland buffer. K. Walsh said in the past plans came in with wetland and topography, she has requested a separate sheet that calls out the wetlands and buffers instead of having it all on one sheet. We have also bolded the lines to make it clearer.

John said having the wetlands uninterrupted the wildlife passage would not be affected. P. Basiliere asked if there can be signage to indicate the wetland buffer, what is the practice in Milford and how far will there be between signs? John responded in other towns, it is a medallion on a post with 50' between posts. P. Amato asked if that is similar to Milford? K. Walsh said that is similar to Milford and was recently done with the Keogh subdivision (Clifford Street). J. Langdell said the MCC has certain language for their plaques. P. Amato said since this is a scenic road, he thought that was all done, but the agenda calls that out. T. Finan agreed, but it was felt another scenic road hearing should be done. The scenic road hearing is one hearing and the subdivision is another hearing. T. Finan asked what was already done on the scenic road?

K. Lehtonen volunteered to speak to that, the scenic road is for the trees and stone walls inside the town Right of Way (ROW), however there is no vegetation or stone walls in the ROW, it was found that all of the vegetation and stone walls are inside of the lots themselves. T. Finan asked K. Walsh if she concurs? K. Walsh received confirmation on that from DPW for the ROW and there was no impact to trees or stone walls located in the town ROW. With the new driveway proposed, K. Walsh wanted to be sure this was not impacting the scenic road and K. Lehtonen just confirmed that. T. Finan asked if a wildlife inventory was done on these lots? John responded it was not requested. P. Amato asked if that was in the MCC letter? T. Finan asked for the staff comments to be reviewed. John reviewed staff comments; test pits have been done on the site, we can get that information to the town; access easement for the driveway will be provided; we are keeping the wetlands and buffers intact; we will add the note for the scenic road on the plan. A stormwater management note can also be added. Prior to signing of the final plan, the bounds and monumentation can be set. They are looking to have the Milford property line as the property line. S. Robinson asked if the stone walls will be kept on the property? Ken Lehtonen does not believe there will be any impact to the stone walls on the slot. P. Basiliere asked about the notes in the staff memo regarding permit numbers. K. Walsh responded if there was a state subdivision approval, there would be

permit numbers in that note, but there is not. John said that a lot of state approvals are required for this subdivision.

Seeing no further questions or comments from the Planning Board, T. Finan opened the meeting to the public for comments or questions. K. Walsh said she does not see anybody in the waiting room to speak. T. Finan asked again if there is anyone from the public with comments or questions on this application. There was one person, from the Brookline Conservation Commission (Jake) that his comments will not impact this plan, but the BCC has decided that any unfinished road coming from Milford into Brookline will have to be extended from Brookline. T. Finan indicated that only has an impact on the road portion in Brookline. It has no impact on this subdivision plan before the Milford Planning Board tonight. Brookline Conservation Commission member (Jake) said yes and any road would have to be extended from the Brookline side. Seeing no further public comments, T. Finan closed the public hearing.

P. Amato moved that for the scenic road, there are no adverse affects along the roadway and he does not see any issues with the scenic road. J. Langdell seconded. A poll was taken: J. Langdell yes; S. Robinson yes; P. Basiliere yes; P. Amato yes; T. Finan yes.

J. Langdell asked if there is consensus that a Natural Resources Inventory is needed as requested by the MCC. T. Finan agreed. P. Amato said with 5 acre lots and wetlands, it would be good to recognize the wetlands are not being impacted, the back part of the lots on the plan is going to be owned by these people but the wildlife will still have free run of it. John indicated there is no way to get across the ravine to build anything. All members concurred. J. Langdell asked if there is any way to overlap with the Melendy Limited Partnership? John was unsure of this. P. Basiliere asked who would pay for the NRI, since the MCC raised the question. T. Finan asked K. Walsh if staff thinks that would be of value? K. Walsh would defer to the MCC, but there are studies available from the state that cost nothing. The NRI is an assessment, it can be quite involved but it depends on the level of detail desired. S. Robinson asked if we can approve without an answer to this? John said the NRI is to identify what is in the area and to see if the development impacts it. If we identify what is on the site, but do not impact it, it would be information only. S. Robinson is thinking just to satisfy the MCC concern it would be nice. P. Amato said there were over 180 homes built in this area across the street from this and that would have an impact more than these three houses would. This subdivision meets Milford's ordinance and will have none or very minimal impact to vegetation and stone walls so he does not think a NRI would accomplish anything other than costing money.

T. Finan asked for a motion. P. Amato moved to conditionally approve the subdivision with the subject conditions listed in the staff memo. P. Basiliere seconded. A poll was taken: S. Robinson yes; P. Amato yes; P. Basiliere yes; J. Langdell yes; T. Finan yes. John Rohky and Ken Lehtonen thanked the Planning Board for their time.

**b. ASRT,LLC (owner) and MVC Eye Care (applicant) – Review for acceptance and consideration of final approval for a site plan to construct a 5,654 square foot professional office building along with associated site improvements for MVC Eye Care. The parcel is located in the Integrated Commercial Industrial District. Tax Map 44, Lot 11-1.**

K. Walsh indicated the application is complete. J. Langdell moved to accept the application as presented. S. Robinson seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes. J. Langdell moved no potential regional impact. P. Basiliere seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

T. Finan indicated there is no statutory requirement to read the abutters into the record, however he felt it would be a good practice to do so. T. Finan read the abutters into the record. Two of the abutters read were present in the zoom meeting. Doug MacGuire, representing the applicant indicated this plan was conceptually reviewed with the Planning Board for a lot without frontage. The layout for tonight's presentation is the same as in the conceptual review, the applicant did go before the ZBA for the wetland crossing and also for a variance that was previously approved but had expired. When the parcel was

surveyed, the wetland to cross was a lot smaller than anticipated, that was a pleasant surprise. The applicant is proposing to come off the driveway access to the property and building. One of the concerns in the conceptual discussion was pedestrian continuity. An existing sidewalk will be added to and go to the front of this building, as requested at the previous meetings. A closed drainage system will be used so that storm water will run off and be treated. A 24" culvert will be put in, we were able to confirm that the area draining can be accommodated with a 24" culvert. Landscaping was addressed and they plan to heavily plant in the buffer. Lighting uses pole lights for parking and Wal-packs. Erosion control will be with silt fencing and other measures. It did come out to be a plan very similar to the conceptual that was previously presented to the Planning Board.

T. Finan asked for questions from the Planning Board members. S. Robinson asked if the staff memo has been addressed. D. MacGuire said we were able to address all of the comments in the staff memo. The applicant was aware of the water-sewer right up to the driveway stop. An E1 line system is required by the town. The water line and gas lines are all out there to be connected. D. MacGuire said the comments in the staff memo have all been addressed on the plan. The drainage system note will be clarified on the plan. P. Amato asked if a copy of the easement is available? D. MacGuire said yes we have the entire file on that and we can supply that to staff. P. Basiliere said the structure location on the lot, where will it actually be located? D. MacGuire provided the first page of the plan that shows where the building is located from the driveway stop. P. Basiliere is asking where it is in relation to the bypass. D. MacGuire showed an aerial view that showed where the building is relative to the bypass. P. Basiliere wants to understand where it is relative to the bypass and are there any signs or lights that could distract drivers on Route 101? D. MacGuire explained there will be no signage or lighting visible from Route 101, the lighting is focused on Route 101A.

K. Walsh explained the area around Ocean State Job Lots and that it is close to Route 101 but has no property line for 101. P. Amato said the lot that is owned by the Post Office could have future development in that area, is there any thought of keeping the Master Plan going? D. MacGuire said there is an access behind this lot to the west that would require wetland crossing in the case of an expansion. P. Amato said there should be thought given to an interconnection if there were ever an expansion. P. Amato suggested thinking about the USPS lot to be able to access in the Master Plan. D. MacGuire said this layout would work if that ever were to happen. K. Walsh thinks there were some discussions about the potential use of both properties in the future. T. Finan asked how that is handled? J. Langdell asked about the architectural and wanted to look at the MCC comments. D. MacGuire reviewed the MCC comments, which noted the gravel parking would not be conducive to the storm water system. The parking is more than what is required, they are looking for overlap for their customers and employees.

D. MacGuire said the wetland permit has been submitted and is in process at the state. J. Langdell asked if the material used at the Michael's plaza in Amherst could be looked at for the parking lot. D. MacGuire said he could look at it but that would have a different treatment method. S. Robinson asked if the DPW comments could be reviewed. D. MacGuire said the comments made by Rick Riendeau (DPW) have been incorporated into the plan. The architectural plans were shown. This is a one story building. This meets the building height requirements. P. Amato asked if the signs meet the town ordinance. K. Walsh indicated the sign was approved last week at the ZBA and will use the existing monument sign at Cumberland Farms. D. MacGuire appreciated all the comments made by staff and the comments from KV Partners. Seeing no further questions or comments from the Board, T. Finan opened up the discussion to the public. K. Walsh said there are no people waiting in the waiting room to speak. T. Finan closed the public portion of the meeting.

P. Amato asked K. Walsh if she is comfortable with the access to the lot to the west? K. Walsh said she is comfortable with that if the Planning Board is comfortable with it. P. Amato asked if there could be language and something on the drawing depicting where that road will be since the Board does not know where it will be because of the wetlands, but if K. Walsh does not think it is done appropriately it will come back to the Planning Board.

P. Amato moved to grant conditional approval and make sure KV Partners comments as well as staff comments are noted on the plan and the access easement to the Post Office property be written. J.

Langdell seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

**c. Marc P. Demontigny Trustee (owner) and PMA Property Group LLC (applicant)** – Review for acceptance and consideration of final approval for a site plan and Conditional Use Permit to construct four 4,600 square foot and one 1,550 square foot self-storage buildings along with associated site improvements. The parcel is located at an unnumbered parcel on Power Street in the Industrial District. Tax Map 43, Lot 30.

S. Robinson moved to accept the application for review. J. Langdell seconded. A poll was taken: S. Robinson yes; J. Langdell yes; P. Basiliere yes; P. Amato yes; T. Finan yes.

P. Amato moved no potential regional impact. J. Langdell seconded. A poll was taken: S. Robinson yes; J. Langdell yes; P. Basiliere yes; P. Amato yes; T. Finan yes.

D. MacGuire and Justin Demontigny were present to represent the applicant. D. MacGuire explained this is an existing undeveloped lot on Powers Street for which controlled self-storage units that are 10' x 10' are being proposed. Most of this site is under an easement. The proposal is for five single story buildings with access off Powers Street. There is no sales office, this will be done through an on line set up on the computer. There is no water or sewer being used. There is lighting, and a drainage plan is straight forward with a closed drainage system that will also take care of water to be dispatched toward Powers Street. A landscaping package was done to make it look nice. The lighting will be Wall-packs and one light pole at the entrance.

P. Amato asked where the snow will go or where will snow be piled? D. MacGuire responded the snow will be put against the far fence where it can be stockpiled. The parking has no curbing, which will help with snow storage. In a heavy snow year, the snow might need to be trucked off site. P. Amato asked about the remainder of the lot? D. MacGuire said the buffer and snow plan change that area. J. Langdell asked for architectural drawings. D. MacGuire said they are part of the packet for tonight, it is nothing fancy. P. Amato asked if this will be 200 units? D. MacGuire responded yes approximately 200 and they will be a couple different sizes. P. Amato asked what color the exterior will be. J. Demontigny responded that these will look a lot like the Ciardelli units in west Milford, they will be tan and green. J. Langdell said the Ciardelli units have a pitched roof. J. Demontigny said these might be a lower pitch but meets the requirements for snow weight. J. Langdell said there are a lot of older lots up in this area and she would like to see a little more pitch to the roof. P. Amato asked if the Demontigny's will continue to own this? J. Demontigny said they will be exploring options.

T. Finan said a Conditional Use Permit (CUP) requires a site plan, he asked that the representative go through the conditions. Jessica O'Neill, The Dubay Group Associate, took over for Doug MacGuire who had to attend another meeting at this point, Jessica reviewed the CUP conditions: 1) Dimensional requirements – this meets the dimensional criteria for zoning and buffering; 2) This meets the ordinance under which this is proposed, self-storage use is allowed in all zones; 3) There will be no adverse effects, the design is not intense, there will be no noise nor impact to health; 4) There is no noise, fumes, lighting will be wall-packs and one light pole at the entrance, this is a low impact use; 5) Groundwater resources are not being affected and this will comply with the requirements in the storm water analysis, NH DES best management practices will be followed.

Jessica continued that this use meets a public need, there are currently multi-family units that could benefit from self-storage units; 2) this property meets the dimensional requirements and storm water requirements are being fulfilled, this lot borders Industrial uses; 3) this generates low traffic and the single entrance is sufficient; 4) this is compatible with other uses and there will be buffer between abutters; 5) there is adequate landscaping that screens Industrial uses and provides visual mitigation.

T. Finan asked for questions from Board members. Seeing none, he opened the meeting to the public. T. Finan asked that if anyone in the public has questions or comments to please press \*9 to be called on to speak. There were no public comments or questions. T. Finan closed the public portion of the meeting.

J. Langdell asked if anyone else on the Board wants more of a pitch on the roof? T. Finan agrees it need more of a pitch, it adds to the aesthetics with more of a pitch. S. Robinson also agreed. K. Walsh referenced the most recent approved facilities of this type; the Board is looking for something similar to the approved and already built Ciardelli Self-Storage units. J. Demontigny has no problem with that, they want these units to look good as well. K. Walsh asked about hours of operation. J. Demontigny said these units will be accessible 24 hours a day, there is a code for access so people can access when they need to, it is self-serve and open 24 hours a day. P. Amato said we would rather people not live there or run a business out of these. J. Langdell said Milford has found that people run a business from these units. S. Robinson asked if there are people running businesses out of self-storage units in Milford? K. Walsh said no, these are self-storage units and they have a definition that does not include any business being operated out of them or living in them. P. Amato asked if there are problems with other units? K. Walsh has not encountered that since she has worked in Milford, but there have been instances of that use in the past. P. Amato thinks there also may have been problems in the beginning with self-storage units. J. Demontigny stated these are accessed with a code, it would make it difficult to have any kind of business in this type of unit. T. Finan asked if the Board would like to see new elevations with a more pitched roof? P. Amato thinks staff can handle that. S. Robinson asked if the DPW comments can be reviewed. K. Walsh stated that R. Riendeau commented that he can cover the culvert with the driveway application.

Jessica reviewed the staff comments: the retaining wall, it was just the labeling on the plan and that has been changed, P. Amato asked how high is the wall, Jessica indicated it is 6' and the left side has a swale, during the construction period that will come to the town; P. Amato said the comments have been addressed but KV Partners needs to be made aware of them, Jessica responded that they are in process of making all the changes and will notify KV Partners when complete.

P. Amato moved to grant the Conditional Use Permit (CUP) for this use. J. Langdell seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

P. Amato moved to conditionally approve the KV Partners memo, staff memo and staff comments with roof pitch to be dealt with on the plan. J. Langdell seconded the motion. S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

T. Finan thanked Justin Demontigny, Doug MacGuire and Jessica O'Reilly for the presentations.

### 3. Minutes – 8/18/20

P. Basiliere moved to approve the minutes of 8/18/20 as presented. S. Robinson seconded. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

### 4. Other Business: K. Walsh indicated the applicant for the Wheeler Street multi-family plan that came in for a conceptual discussion has requested a continuation, so that application is currently on hold. They will be revising the plans and try to come up with a more feasible plan to bring forward. Right now they have just requested the continuance with the ZBA and have not come forward with a formal application for the Planning Board.

The Work Session scheduled for November 3 has been rescheduled for Thursday November 12 based on the responses received from members, a reminder will be sent.

### 5. Adjournment. The meeting was adjourned at 9:07 p.m. on a motion made by S. Robinson and seconded by P. Basiliere. All were in favor. A poll was taken: S. Robinson yes; P. Basiliere yes; P. Amato yes; J. Langdell yes; T. Finan yes.

335  
336  
337 \_\_\_\_\_ Date: \_\_\_\_\_  
338 Signature of the Chairperson/Vice-Chairperson:  
339

340  
341 **MINUTES OF THE 10/20/20 MEETING WERE APPROVED 12/15/2020**

APPROVED