

MILFORD PLANNING BOARD MINUTES ~ APPROVED
SEPTEMBER 20, 2022 Board of Selectmen Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Janet Langdell, Vice Chairman
Tim Finan, Selectmen's Rep
Pete Basiliere, Member (via Zoom)
Elaine Cohen, Member
Paul Amato, Member
Susan Robinson, Member
Susan Smith, Alternate

Staff:

Camille Pattison, Temporary Planner (NRPC Assistant)
Darlene Bouffard, Recording Secretary
Andrew Kouropoulos, Videographer

1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight is for the public hearing of three new Planning Board applications and one application that was first heard in June 2022 and was continue. Planning Board members and staff were introduced by D. Knott. D. Knott indicated that Susan Smith is now an Alternate member to the Planning Board and will not vote unless a member chooses to recuse themselves.

2. Public Hearings:

- a. **Case SP2022-08 Sooner Transportation, LLC for the property located at Tax Map 12, Lot 11, 754-756 Elm Street.** Public Hearing for a Major Site Plan Application to construct a two-story, 7,200 s.f. auto sales and repair facility with associated parking, stormwater management/drainage, landscaping, and lighting improvements on the subject property located in the Commercial 'C' Zoning District and West Elm Overlay District. Request for Waivers from the Development Regulations, Section 6.05.4 to allow a reduction of required off-street parking spaces and from Section 6.08.5(B)1 and 6.08.7(A)1 involving required landscaping along the periphery of the property and parking areas/access. **Continued from 8/16/22 PB Meeting.**

This item is being continued from the August 16, 2022 Planning Board meeting. A site walk was conducted September 6, 2022. C. Pattison indicated this is the third time the application is before the Planning Board and the applicant has new information to provide. Katie Weiss, representative for the applicant, stated she received a negative response from the DOT about the unloading area being on Route 101 and she has made changes to the plan based on that information. In order for the car display spaces, and getting them in and out, Katie has added a 14-foot aisle for access and the ability to back in and out the cars. The island has been extended to the property line and the turn radius needs to change. Fire truck access and egress was discussed. The neighbor has not yet been contacted regarding the turn radius. In order for the delivery trucks to fit on the site to unload, there were 3 options presented. The display spaces would need to be in the rear of the building, but the owner wants the display area in the front of the building. Another option is for the building to be moved and allow for 28 display spaces out front. This option might not work for emergency access. The applicant also wants to keep the business open while the building is being built.

K. Wiess continued that she wanted to present all three options to the Board and look at delivery and parking of cars out front. Most of the buildings in this area are in the front of the lot; 72' from the curb line is available. Some of these buildings are located on the back side of the properties. Dunkin is the most recent building and is more in the rear of the lot, but is it in conformance with the West End Overlay District? The sidewalk produced some discussions

on the area behind the site and to get rid of the debris and allow some grass to grow out there. K. Weiss said if a bus stop is still desired, it may need to be on DOT property. P. Amato asked if the bus stop would be on the DOT property not on the owner's property, if it is on DOT property, the town needs that in writing. K. Weiss will be submitting a request to DOT; she is not sure when that response will be received. J. Langdell said the bus stop being in the conversation is premature at this point. P. Amato indicated that one option did show a bus stop, but he does not see anything about a fire truck being able to maneuver. The Fire Chief had talked with Katie Weiss and she got the wheel radius of the truck to include on the plan.

C. Pattison stated if an emergency vehicle needs to respond when the cars are in the display area, how would that be handled? K. Weiss responded there would be time to move the cars out of the way before emergency trucks arrive. J. Langdell asked what if there was an explosion in the middle of the night? K. Weiss said it is a two-story building and there would not be anyone in the building during the night. C. Pattison asked what is a floating easement? K. Weiss explained that it just states a certain width but not a location and it is tied to the land. P. Amato does not recall ever seeing a floating easement, but asked if the applicant could not park cars where the floating easement is located? K. Weiss said there are some floating easements in Bedford NH.

C. Pattison said for the average setback calculations, the goal is to move the buildings to the front of the lot, so to base any decision on those calculations would not be warranted. K. Weiss responded that the pond was changed a little, the sidewalk also, and we are 4' above the water table. Jerry Johnson, owner, used to do environmental work in a previously position. The two waivers requested (parking calculations and West Elm Overlay District). The applicant is requesting relief from the West End Overlay District and the 10-foot setback to park cars. The aisle is proposed to be 14' wide. K. Weiss said what is of concern is the circulation in an emergency. E. Cohen asked if an elevator will be in the building? K. Weiss said the elevator plan will be part of the next meeting. P. Basiliere asked about Sheet 7 and if that is an elevation of what the building will look like? K. Weiss said that is what it will look like but moving the building closer to the road will not work. P. Amato asked how is the new business different from the business that is there now? K. Weiss said cars that are being serviced would be parked in the front of the service bay but it will still be car sales and service.

Jerry Johnson, applicant, said in order to create a business, one issue for used cars is having 30 parking spaces available. Right now, we have 40 spaces, the need is for the shop to be further out back and display area in the front; this is very important. The intent is to create something that is attractive. He understands why the West End Overlay District is important, but in order to have this business, he needs the display for the business. P. Amato said part of the reason for the Overlay is to prevent what is happening there now with all the debris out back. K. Weiss explained that when the DOT took back their land, the business lost about 30 spaces out front and lost 50% of the business. S. Robinson appreciates that the applicant wants to meet the requirements of the district and keep it attractive. J. Langdell asked how many parking spaces do they currently have? K. Weiss answered they need 40 display spaces and 20 spaces for customers and employees. P. Amato said so the Board is trying to give them a guideline about having the building location in the front or in the back. S. Smith asked if access was looked at through the back of the abutting property? K. Weiss said there would still be an issue with the turns. P. Amato said it could also be wet there. S. Smith said if that were looked at, it might open up some spaces or options. P. Basiliere asked for that to be considered, to open up space for cars.

J. Langdell asked if there is any plan to purchase the abutting property? J. Johnson responded that he is trying to work with that neighbor and either lease or purchase the property and will have an answer by the next meeting. He could at least try to negotiate using that area for a turn around and he believes that neighbor will work with him. P. Amato asked if the Board wants to put off a decision on the building location until it knows what is happening with the abutting property? T. Finan said that area needs to be cleaned up and that is why the West End Overlay District was created, to make the lots nicer in the west end of Milford. J. Langdell said if the lot is insufficient for this intensity of use, cannot meet the safety guidelines, and if the lot cannot meet the regulations, it might not be the right location. P. Amato said anything that is done at this location would be an improvement from what is there now. D. Knott said the applicant has a critical issue with the abutter that needs to be resolved.

After discussion, P. Amato stated there is not much more the Board can do right now. J. Langdell said another lay out could be done with the property next door, but that is unknown at this time. P. Basiliere asked if the Dunkin Donuts was built after the overlay district was adopted? J. Langdell said it was, to which P. Amato indicated that Dunkin reconfigured their lot and bought another property in order to make it work. P. Basiliere agreed it would be good to table the application for tonight.

D. Knott opened the meeting to the public asking for those who wish to speak to state their name and address. D. Palance, resident at Maple Street, asked what is the involvement of NRPC on this application, noting the name of Camille Pattison on the paperwork in the packet. J. Langdell explained that Camille Pattison is currently serving as the Milford Town Planner temporarily in that capacity, but works for NRPC. D. Palance asked also about the note on the plan that said the demo will be done by Manchester Rules. Katie Weiss said that has already been corrected. D. Palance clarified that he is acting as a town resident, not as the Heritage Commission Chair. C. Pattison said she will talk with L. Daley about the Heritage Commission comments prior to the next hearing. Seeing no other comments, D. Knott closed the public hearing.

P. Amato moved to table this application to the October 18, 2022 Planning Board meeting. T. Finan seconded. P. Basiliere was in favor; T. Finan in favor, J. Langdell in favor, S. Robinson in favor; P. Amato in favor; E. Cohen in favor; D. Knott in favor. Motion passed 7/0.

b. Case SD2022-08 Utopia Revocable Trust / Vita Viatkunas, Trustee for the properties located at Tax Map 53, Lots 67-3 and 68-1. Public hearing for a Lot Line Adjustment application to modify the property lines between the subject properties within the Residential 'R' Zoning District. Waiver Request from the Development Regulations, Sections 5.06.K and L to show the delineation of wetland, the associated wetland buffers, and slope exceeding 25% on the submitted plan.

T. Finan moved to accept the application for review. P. Amato seconded. P. Basiliere in favor; T. Finan in favor; P. Amato in favor; J. Langdell in favor, E. Cohen in favor; S. Robinson in favor, D. Knott in favor. Motion passed 7/0.

J. Langdell moved no potential regional impact associated with this application. E. Cohen seconded. P. Basiliere in favor; T. Finan in favor; P. Amato in favor; J. Langdell in favor, E. Cohen in favor; S. Robinson in favor, D. Knott in favor. Motion passed 7/0.

Abutters were read into the record by D. Bouffard.

Earl Sandford, representing the applicant, explained there is nothing on the ground changing for this application, this is just housekeeping. The Lot Line Adjustment (LLA) being requested was adjusted incorrectly and tonight is to adjust the lot line so that it is correct and the shed will be on the correct portion of the lot. E. Sandford handed out copies of the LLA plan, explaining the end of the shed is on lot 67-3, that is the purpose of this LLA. The shared driveway is built on more than one lot.

Vita Viatkunas (Cooper), owner/applicant, noted the barn will be with the house and the vacant lot is on the opposite side if this LLA is approved. E. Sandford noted the corner of the barn eave is over the setback, but there is question of whether to measure by the foundation or the eave. In his experience, E. Sandford stated he typically would go by the foundation, but it could go either way. C. Pattison said in her experience, a gutter was identified as part of the structure when a mortgage was going through the bank. E. Sandford said this is the zoning ordinance and how it is interpreted. C. Pattison asked for a copy of the Driveway easement for the town records.

P. Amato asked if this plan went before the ZBA? E. Sandford responded that it did and he had the wrong setback on the plan, he used the foundation instead of the eave, so that application was withdrawn and a new application was submitted to be heard by the ZBA October 6. P. Amato asked if this application can be approved conditionally until that application is heard? C. Pattison responded that it can.

P. Basiliere asked about the abutters on Mountain View Court, why is that? P. Amato said the driveways for those lots are on Mountain View but the lots are directly across from this property. S. Robinson said this is across from the back of those properties. Seeing no further discussion, D. Knott opened the meeting to the public, asking for those speaking to state their name and address. There were no public comments or questions. D. Knott closed the public portion of the hearing.

P. Amato moved to conditionally approve the application conditioned on the outcome of the ZBA application for setback relief. J. Langdell seconded. P. Amato asked about the waivers. P. Amato moved to put the motion on hold. J. Langdell seconded. P. Basiliere was in favor; J. Langdell in favor; P. Amato in favor; T. Finan in favor; S. Robinson in favor; E. Cohen in favor. Motion passed. The approval was put on hold momentarily to address the waivers.

J. Langdell said there is a waiver request for 5.06 Wetlands and Topography. E. Sandford explained this requirement is for topography and wetland delineation on the plan, which is already on file with the Town from a recent previous plan, he does not feel this should be required for a Lot Line Adjustment.

P. Amato moved to approve the waiver request for 5.06 requirements. J. Langdell seconded. P. Basiliere asked if the wetland delineation is in perpetuity or just for this application? C. Pattison said the waiver is only for this application. P. Basiliere was in favor; T. Finan in favor; J. Langdell in favor; S. Robinson in favor; P. Amato in favor; E. Cohen in favor; D. Knott in favor. Motion passed 7/0 for the waiver request.

P. Amato moved to approve the application conditioned on the outcome of the ZBA application for setback relief. J. Langdell seconded. P. Basiliere was in favor; J. Langdell in favor; P. Amato in favor; T. Finan in favor; S. Robinson in favor; E. Cohen in favor; D. Knott in favor. Motion passed 7/0.

- c. **Case SD2022-09 Gary T. Meissner and Barbara Prince-Meissner, owners of the property located at Tax Map 41, Lot 38-1, Osgood Road.** Public hearing for a Major Subdivision application to subdivide the subject lot into four lots within the Residential 'R' Zoning District.

P. Amato recused himself from this discussion as he is an abutter. D. Knott asked that S. Smith vote in the absence of P. Amato. J. Langdell moved to accept the application for review. E. Cohen seconded. P. Basiliere in favor; T. Finan in favor; J. Langdell in favor; S. Robinson in favor; E. Cohen in favor; S. Smith in favor; D. Knott in favor, with P. Amato recusing. Motion passed 7/0/1.

J. Langdell moved no potential regional impact associated with this application. E. Cohen seconded. P. Basiliere in favor; J. Langdell in favor; E. Cohen in favor; T. Finan in favor; S. Robinson in favor; S. Smith in favor; D. Knott in favor with P. Amato recusing. Motion passed 7/0/1. Abutters were read into the record by D. Bouffard.

S. Ingram of Meridian Land Services, representing the applicants Gary Meissner and Barbara Prince-Meissner, explained the subdivision plan and that he is representing the owners/applicants. C. Pattison said that she needs to have a written sign-off that the applicants are having Sam represent them in this hearing. Gary Meissner and Barbara Prince-Meissner were both on the zoom meeting and verbally gave approval that Sam Ingram is representing them in this hearing. C. Pattison noted that for the file, a written authorization is needed for the Town. G. Meissner acknowledged that they will sign an authorization for the town that Sam Ingram is acting on their behalf.

S. Ingram continued with the details of the parcel size, indicating that the applicants are building a house on the largest parcel and subdivided 3 additional lots served by well water and septic systems. An approved septic design for lot 41/38-1 has been submitted to the town as part of the construction of their home, which is under way. This property was previously before the Planning Board in 2021 for a conceptual discussion, after which the property was purchased by the Meissner's. S. Ingram has talked with Leo Lessard, DPW Director, at the site earlier in the season about access to the lots and what was shown on the septic design and the driveway location was agreed to with him. There is 225' of site distance for the Meisner's lot and there are some small wetlands on the site, but nothing that will be impacted.

E. Cohen asked if the owner will develop the other 3 lots or sell them? S. Ingram believes Gary and Barbara will sell the lots as they are not developers. P. Basiliere asked if Leo Lessard had authorized for the driveway to have reduced sight distance? J. Langdell said that DPW issues the driveway permits so yes, he has that authority. P. Basiliere asked if that should be done after the subdivision gets approved? P. Basiliere said he is not comfortable with just meeting the minimum standard sight distance for that driveway. S. Ingram said that Leo Lessard said that is the location for a driveway that is most favorable for that parcel. Further noting that a building permit for lot 41/38-1 has already been submitted. C. Pattison indicated that a written letter stating the approval for the driveway location should get submitted for the Planning File. S. Ingram acknowledged that he will send that and then reviewed the staff comments; saying the road location will be on the plan. S. Ingram agrees with the staff comments and the driveway approved by L. Lessard. S. Ingram continued that any stone walls that are disturbed will re-use the stones to repair any disturbances. He is in agreement with the other staff comments.

Seeing no further questions or comments, D. Knott opened the public hearing. Dave Palance, Heritage Commission Chairman, asked that the Stone walls be preserved if at all possible or if disturbed, to use the same stones. A note on the plan might be helpful to track that. D. Palance

also asked about the wetlands, noting that wetlands can change when the nearby bridge work gets done. P. Amato, abutter, said the work on that bridge Dave speaks of is downhill of this location and should not have any impact. Note 10, P. Amato has never seen that note before, and he has a problem with it. C. Pattison said she took that note right out of the Stormwater ordinance, she will defer to what is normally done by the Planning Board. C. Pattison wants to be consistent with past practice. S. Ingram does have that the roads are subject to groundwater protection standards.

T. Finan moved to approve the application conditioned on a letter received from the owner allowing Sam Ingram to represent them on the application and on a letter being received from Leo Lessard (DPW Director) regarding the driveway location for 38-1 requiring the sight distance reduction. J. Langdell seconded. P. Basiliere is against this approval based on lack of knowledge about the driveway location; T. Finan in favor; J. Langdell in favor; S. Robinson in favor; E. Cohen in favor; S. Smith in favor (voting in lieu of P. Amato); D. Knott in favor; and P. Amato recusing himself. Motion passed with 6 in favor, 1 against and 1 recusing.

P. Amato stepped back up to the Board.

- d. **Case SP2022-09 Bradcore Holdings, LLC, Owner for the property located at Tax Map 48 Lot 9, 454 NH Route 13, Chappell Tractor, LLC.** Public Hearing for a Major Site Plan application to build a 3,000 sf. service bay addition and storage area within the Integrated Commercial Industrial 'ICI' Zoning District. Waiver Requests from the Development Regulations, Section 6.08 Landscaping Standards, in its entirety, as the existing landscaping will not be altered, as well as Section 5.32.080 Stormwater Management and Erosion Control, in its entirety, as this proposal will not change existing drainage patterns.

E. Cohen moved to accept this application for review. T. Finan seconded. P. Basiliere in favor; E. Cohen in favor; T. Finan in favor; S. Robinson in favor; P. Amato in favor; J. Langdell in favor; D. Knott in favor. Motion passed 7/0.

J. Langdell moved no potential regional impact associated with this application. T. Finan seconded. P. Basiliere in favor; J. Langdell in favor; T. Finan in favor; S. Robinson in favor; P. Amato in favor; J. Langdell in favor; D. Knott in favor. Motion passed 7/0.

Abutters were read in to the record by D. Bouffard.

K. Chamberlin, representing the applicants, is here to present the application as well as applicants Corey and Brad Chappell who can answer any specific questions. Corey Chappell indicated they are not going to enclose the area they previously discussed. N. Chamberlin explained the service area of the building is what is being referred to. There is a retaining wall already there that will be continued and used for storage space. J. Langdell asked if the rip-rap is part of the open space calculation? N. Chamberlin said it is just gravel and no, it is not included. There is a 1-1 slope that will be leveled off, and then 3 overhead doors and then 2 overhead doors. There is a septic area out back they will abandon and a new septic will be added closer to the front of the facility.

D. Knott stated there are two waiver requests: 1-stormwater management; 2- landscaping. N. Chamberlin noted there is already landscaping on the site in the front and the stormwater will not be affected by this change. J. Langdell asked what will be stored in these units? N. Chamberlin said it will primarily be equipment waiting to be repaired; this is an extension of the building that is already there. C. Pattison talked to Chad Branon, who was previously representing this applicant, about getting a letter to her that a certified engineer has signed off that the stormwater will be compliance with the stormwater regulations of Milford; she asked

if Nate Chamberlin has that letter? N. Chamberlin was unaware of that discussion. C. Pattison stated that letter will be a condition of any decision tonight.

N. Chamberlin continued on that the lights will be downcast and shielded. Parking needs to be looked at, including handicapped spaces, for fire protection this will continue with what is already in the building. C. Pattison asked if the buildings have sprinklers in the existing buildings? N. Chamberlin responded they are not sprinklered. D. Knott indicated the staff report was sent to the Fire Department and they had no comments. N. Chamberlin said the existing building does not have sprinklers and this would just be an expansion of the existing building. C. Pattison indicated that the town needs to have a letter regarding the stormwater from certified engineer regarding concerns items 5 & 8 on the staff report.

P. Amato said he has no issues with the waiver requests. S. Smith asked if the storage area will be paved? N. Chamberlin answered that it will be paved. J. Langdell stated if the letter from a certified engineer who signs off on the plans with paving and that it will not affect the run off, then the town is covered. C. Pattison said that Chad Branon is aware of this issue and said today that a letter would be provided tonight. N. Chamberlin was not aware of that. But the rip-rap versus the pavement will not affect the drainage, it is about the same with the 1-1 slope, it will not go into the ground.

P. Amato moved to conditionally approve the waiver for stormwater subject to the town receiving the letter from a certified engineer. T. Finan seconded. P. Basiliere in favor; T. Finan in favor; P. Amato in favor; J. Langdell in favor; E. Cohen in favor, S. Robinson in favor, D. Knott in favor. Motion passed 7/0.

P. Amato moved to conditionally approve the waiver for landscaping. T. Finan seconded. P. Basiliere in favor; T. Finan in favor; P. Amato in favor; J. Langdell in favor; E. Cohen in favor, S. Robinson in favor, D. Knott in favor. Motion passed 7/0.

P. Amato moved to conditionally approve the Site Plan with consideration to staff comments numbers 4 & 8. T. Finan seconded. P. Basiliere in favor; P. Amato in favor; T. Finan in favor; J. Langdell in favor; S. Robinson in favor; E. Cohen in favor; D. Knott in favor. Motion passed 7/0.

Corey Chappell asked about the retaining wall, the groundwater is all set but will that hold up the building of the units? P. Amato asked for clarification: can they begin building without the certified engineer signing off on the stormwater? C. Pattison said no they cannot, this decision is conditioned on the town receiving that letter; that is a deal breaker and is needed in order for approval. Corey Chappell just does not want to wait on starting to build. J. Langdell if the letter cannot be processed, you could come back at the next meeting without the paving on the plan.

3. Other Business:

4. Meeting Minutes:

T. Finan moved to approve the minutes of August 16, 2022 as presented. E. Cohen seconded. All were in favor. T. Finan, E. Cohen, S. Robinson, P. Amato, J. Langdell, D. Knott, P. Basiliere were all in favor. Motion passed 7/0.

5. Upcoming Meetings:

9/27/22 – Planning Board Work Session (Master Plan)
10/4/22 – Planning Board Work Session
10/18/22 – Planning Board Public Meeting

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

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328 _____
329 Signature of the Chairperson/Vice-Chairperson: Date: _____
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331 The Planning Board minutes of 9-20-22 were approved 11/15/22

APPROVED