

1 MILFORD PLANNING BOARD MEETING MINUTES

2 April 21, 2020 Telephone Conference, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Tim Finan, Vice Chairman

7 Janet Langdell, Member

8 Pete Basiliere, Alternate Member

9 Susan Robinson, Member

10 Paul Amato, Member

Staff:

Kellie Walsh, Planner

Darlene Bouffard, Recording Secretary

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12 **EXCUSED:**

13 Laura Dudziak, Selectmen's Rep

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17 **1. Call to order:**

18 D. Knott called the meeting to order at 6:30 p.m. D. Knott read the Telephone Conference Preamble as
19 follows:

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21 ***MEETING PREAMBLE DURING COVID-19 EMERGENCY***

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

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

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

35 *Please note that all votes that are taken during this meeting must and will be done by Roll Call Vote.*
36 *Let's start the meeting by taking a Roll Call attendance. When each member states their name, also*
37 *please state whether there is anyone in the room with you during this meeting, which is required under*
38 *the Right-to-Know Law.*

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40 Members and staff were introduced. D. Knott explained there are public hearings tonight followed by
41 Planning Board discussions.

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

- 44
45 a. **Frederick & Celia Lorden Trust (owner) and Ponemah Hills, LLC** – Review for acceptance and
46 consideration of final approval for a major site plan to construct a 6,447 square foot, 9-unit multifamily
47 residential building with a nine stall carport along with associated site improvements. The parcel is
48 located at 0 Ponemah Hill Road in the Residence B district. Tax Map 43, Lot 61. Postponed March 17
49 and April 7, 2020.

50
51 Chad Branon, Fieldstone Engineering, indicated he represents the owner (Lorden Trust) and applicant
52 (Ponemah Hills LLC). This plan was before the Planning Board previously on February 18, 2020 at
53 which the applicant received many good comments and was followed by a site walk on March 3, 2020
54 during which many questions raised by the Planning Board were answered. Since the site walk a revised
55 package has been submitted in which the comments were taken into consideration. The Fire Department

comments were addressed including adding a lane on the south side of the building. The stormwater concerns were taken into account and storm water has now been spread out along the northeast property line. The staff and Planning Board comments have been addressed with reducing the amount of impervious surface. The pavement in front of the carports has been narrowed. Other revisions made regarding landscaping have been added including along the northeast perimeter. Chad indicated the abutter to the northeast specifically requested arborvitae along the property line. The applicant has worked with DPW on the sight distance which was one of the concerns at the site walk. The applicant believes all the comments raised have been addressed.

The Fire Department sent an e-mail sign off and water utilities has also signed off. The Milford Conservation Commission (MCC) provided comments, to which C. Branon offered to respond. C. Branon said he received comments from MCC on March 13 which requested that a Juniper species be used for landscaping instead of arborvitae which were requested by the abutter. C. Branon said he does not plan to change that landscaping which was at the abutter's request. At the last Planning Board meeting there was some concern about having lighting around the entire building but after discussions since then, the Fire Department has accepted the plan design.

D. Knott asked if anyone has asked the abutter if Juniper could be used in lieu of arborvitae. C. Branon indicated that he requested of MCC that the arborvitae be allowed since that was the request of the abutter. D. Knott asked if the MCC has concern with the arborvitae? C. Branon said that is what the abutter requested. T. Finan remembers that discussion at the February meeting when the abutter requested arborvitae along the property line. Janet Langdell said that abutter has experience with arborvitae and that must be why they are requesting it, it grows fast and provides good cover, but could that landscaping be supplemented with a Juniper species? D. Knott just wants to make sure there is not any problem with changing it to Juniper as a supplement? J. Langdell agreed because it would add some diversity to the barrier which is what the main concern is. D. Knott noted that the Juniper is a more slow growing blend than arborvitae and it could have a higher cost. C. Branon shared the letter from MCC with the abutter, but has no knowledge that they reached out to the abutter. P. Basiliere agrees that the MCC should reach out to the abutter to find out if they would be okay with that change. D. Knott said that is not a deal breaker, he just wanted to know if MCC has talked with the abutter. D. Knott requested that Pages 2 and 3 notes be addressed by the applicant. C. Branon indicated that they have addressed all of the comments from staff and talked with Kellie Walsh to address all the comments.

P. Basiliere asked how the comments were addressed? The comments were reviewed by C. Branon. Comment #1: the sewer and driveway permit were added in a note that addresses both, note 16 addresses water & sewer, and the driveway permit is also in a note. Comment #2 is to decrease the amount of impervious surface – the applicant has narrowed the drive from 24' to 22' and the carport entry was changed from 30' to 24' which significantly reduces the amount of impervious surface. T. Finan asked if 24' is adequate for backing out and turning around. C. Branon explained that 22' is adequate to back out. P. Basiliere asked about delivery trucks having enough room to maneuver. C. Branon said the 16' lane on the south side of the building could be used for any deliveries to the site. A box truck would be able to turn around and now with the addition of the 16' lane, that will allow larger trucks. P. Basiliere asked if this plan should be making accommodations to allow the larger trucks to turn around? C. Branon said with the reduction of impervious surface, that was a trade-off.

Town Planner Kellie Walsh said the 16' section was a request from the Fire and Ambulance Departments and it meets that request and uses the least amount of impervious surfaces to allow all the emergency vehicles access. P. Basiliere understands that but there will be delivery trucks and he wants to make sure they do not have to back out. C. Branon said they worked with Rick Riendeau, DPW Director, regarding sight distance which is required to be 200' for residential but 300' was used since this is multifamily so those details are addressed.

P. Amato asked if all the vegetation in the front of this site will be removed? C. Branon responded that they are not planning to remove all the vegetation but will need to clear an area to get utilities in, the front of the site will be augmented with landscaping. The stormwater requires the applicant to capture run off from the front of the site and have diversion swales. There will not be much left on the front of the site

but the applicant does plan to augment the front of the site with trees. J. Langdell asked about ambulance access to the rear of the building, was a copy of the revised plans provided to the Ambulance Department for review? K. Walsh said yes she did provide those for review and there were no issues. P. Amato asked if there will be impact fees in the notes? J. Langdell said they are in there for Library (Note 19, sheet 3) but there needs to also be impact fees for police. This will be a condition of any approval. Hearing no further comments from the Planning Board, D. Knott opened the hearing to the public. D. Knott asked for comments or questions from the public, asking that abutters go first and please state your name and address followed by other public comments. K. Walsh said there are no people in the waiting room for questions or comments. D. Knott closed the public hearing.

D. Knott asked for a motion. P. Amato moved to approve the plan with the conditions mentioned and noted in the staff memo. J. Langdell seconded. D. Knott took a vote: Pete Basiliere, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yet, D. Knott yes. Motion passed unanimously.

- b. **Scenic Road Public Hearing** – In accordance with NH RSA 232:158, the Milford Planning Board will hold a Public Hearing for Eversource for tree trimming and removal, as part of routine maintenance, on the following scenic roads: Joslin Road, Jennison Road, Osgood Road, Ball Hill Road, Emerson Road, Federal Hill Road, Foster Road, Mason Road, Mile Slip Road, North River Road, Ponemah Hill Road, Ruonala Road, Savage Road, Young Road – *Postponed from March 17 and April 7, 2020.*

The applicant, Eversource representative Keith Corey, was in attendance and noted that Rick Sullivan is also on the Zoom call. K. Corey explained that this application is for the trimming and removal of limbs and brush that are 8 feet from the conductors or 10 feet below and 15 feet above the lines to improve the reliability to Eversource customers. This maintenance is typically done every four years. The brush, once removed, is chipped and blown into the woods, or it can be used as mulch. Prior to any removal, a postcard is mailed to all the abutters where there will be trimming. The 2021 maintenance program for some of these roads will be done at that time.

T. Finan asked if this maintenance is done to the Eversource standards that are comparable to the PUC standards done every five year cycle? J. Langdell asked if the trees are flagged? K. Corey responded that they are marked for the cycle with blue tags. P. Amato stated if a tree is on private property, it cannot be removed. K. Corey responded if a tree is in the right of way, the abutter would be notified that the tree is dangerous and ask if the abutter is okay with it being removed. Hearing no further comments from the Board, D. Knott opened the public hearing. K. Walsh indicated there were no people waiting in the waiting room to speak. D. Knott closed the public hearing.

D. Knott said the maintenance plan is relatively straightforward and read from the standard, noting if a stone wall gets disturbed, Eversource will be expected to repair it. D. Knott asked if there is any language about stone wall damage? K. Corey said they typically will hear about any damage to stone walls from the abutter or through the town. D. Knott asked if that is the policy of Eversource? K. Corey said that is what he does, if he notices something, it is brought to the town's attention. K. Walsh indicated in the State Statue, it does call out the stone walls needing to be preserved. Rick Sullivan, Eversource Arborist, said this is the enhanced tree trim program which requires higher cutting in trees to get rid of more than just standard trimming. Consent of the abutter property owners must be received prior to any work being done. This enhanced trimming program is along Osgood, Mason, and Melendy Road for which Asplundh is doing that work.

J. Langdell asked what is the outcome of the enhanced trimming once it is complete, what has been done locally that is comparable? Rick Sullivan responded that along Route 13N there was trimming that was a bit more than what will be done here. D. Knott said the proposed trimming is to keep consistent power service to their customers. P. Basiliere asked if this type of cut is similar to what was trimmed along Amherst Street going into Amherst? Rick Sullivan answered yes, that is comparable to what will be done with the enhanced program in Milford.

All members recommended moving forward with this scenic road tree trimming.

- c. **Savage Farm LLC (owner / applicant)** Review for acceptance and consideration of final approval for a major site plan to maintain an existing two-family building in its current use and configuration, renovate and re-purpose the barn into retail use for an antiques center and to develop the rear of the property into a natural materials processing/storage area with space for equipment storage and maintenance structure associate with materials processing. The parcel is located at 475 Elm Street in the Integrated Commercial-Industrial District, West Elm Overlay District, Groundwater Protection and Floodplain Management Districts. Tax Map 7, Lot 7.

J. Langdell moved to accept the application for review. P. Amato seconded. D. Knott took a vote: J. Langdell, yes; T. Finan, yes, P. Basiliere, yes; P. Amato, yes; D. Knott, yes. Motion passed unanimously. P. Amato moved no potential regional impact. J. Langdell seconded. D. Knott took a vote: J. Langdell, yes; T. Finan, yes, P. Basiliere, yes; P. Amato, yes; D. Knott, yes. Motion passed unanimously

Doug Brodeur, Meridian representing Savage Farms LLC, was present as well as Steve Desmarais, Dave Hanlon and Scott Tiedemann. Doug explained this is the property across from the access of Old Wilton Road entrance on the north side of Route 101A. The developer also wants to maintain the original character of the property, there are stone walls and granite stones found that will be maintained. The rear of the property is surrounded by buildings and will not be visible from Route 101A. There are two curb cuts for this property and the sight distance is okay, the residence will use its existing curb cut. The soils are well-drained and there will be infiltration of all storm water for the 50 year storm. KV Partners had some comments on the drainage and the comments are able to be addressed so they will be tied into a catch basin. Landscaping currently meets the intent of the West Milford Overlay.

Staff comments were reviewed: two monitoring wells are monitored by the Federal government for the OK Tool Superfund site, there was no easement for it but Steve Desmarais said he is okay with that monitoring being done. K. Walsh asked what are the monitoring wells are for and how long will they be used? S. Desmarais responded that he has no idea but he was told they will continue to be monitored for 100 years as part of the OK Tool contamination site. J. Langdell said if the monitoring wells are in question, who has the responsibility to find out that information from the EPA? J. Langdell asked that K. Walsh address that. Steve Desmarais indicated he will not be removing the monitoring wells, the EPA can still come to test them. P. Amato said there should be a note on the plan that states that they can continue to test the wells, that the current owner will permit that activity so it would be helpful to have that on the plan for future owners.

D. Knott asked about the farm access easement, is that still used and the dumpster pad. S. Desmarais asked if a cement pad is required for the dumpster on a gravel road? Noting that they can move that dumpster pad if needed. D. Knott indicated that trucks will be parked behind the building. K. Walsh said she is trying to avoid parking problems by having a delineated area for parking. S. Desmarais said he can do that. D. Knott asked about the striping of the exit out of the property, since there will be residential and commercial traffic exiting through the same curb cut.

P. Basiliere asked if there are any other businesses in Milford that mix residential and commercial traffic? D. Knott said it is not all day that the trucks come in and out, but at certain times there could be trucks and cars coming and going. S. Desmarais said the back building is for equipment and product and the front is for the tenants. J. Langdell knows of one business that also has a residence using the same driveway – Briand Auto Repair has a residence on the back portion of the lot. J. Langdell said the business in the rear of this proposal will it be Monday – Friday or will it be weekends as well? S. Desmarais said there might be some business on Saturdays but not Sundays.

S. Desmarais did not do a landscaping plan, since the bushes and trees are just budding now. Once things bloom he can have a landscaper come out, but he only knows there are lilacs there now. The landscape he wants to have would be similar to what has been there for many years, he wants it to look like an old barn and farm house. He will put in anything the Planning Board would like except he does not want any topiary or manicured plantings. D. Knott referenced the ordinance paragraph 6.08.8C2 for an alternative landscaping plan – the use of the existing landscape in lieu of a formal landscaping plan. P. Amato asked if either of the driveways will be removed and if so, will that be loamed and seeded? J. Langdell asked if

lilac could be added in that same area. S. Desmarais is thinking of adding lilacs along the foundation and along a split rail fence he will be adding. Over time, he will add lilacs and forsythia but he wants a traditional old farm look. D. Knott said landscaping is not only the plantings it is also the hardscaping like stone walls and stairs. J. Langdell said we are so used to having new properties along Elm Street but this is a long standing property and she likes what is being talked about. T. Finan agrees with the idea of natural landscaping but he does not know what is there now. Pete Basiliere agrees it looks better than the surrounding properties but by adding another sheet to the plan to identify what is there now would be helpful. It is an improvement and he likes it but he also thinks the Planning Board should have a landscaping plan.

D. Knott asked if a narrative could be adopted as part of the plan? The applicant is seeking a waiver from the landscaping requirement and the Planning Board needs to decide if it accepts the waiver, but he is proposing to document what the landscaping intent is for any future owners. Steve Desmarais agreed that he could do a narrative by June 1, when plantings can be identified. He does not want to waste time right now or hold up this project for landscaping. Once everything flowers, and if D. Knott could assist him identify the growth, a narrative can be submitted. D. Knott said he would be happy to assist Steve to deliver a plan for the file. J. Langdell asked if a conditional approval could allow the existing landscaping? K. Walsh recommends a conditional approval is conditioned upon drainage, landscape and staff comments being addressed. Doug Brodeur indicated most of those drainage comments deal with the elevation and they will be dealt with. For the two structures that go into the stone (dry well), we will make the catch basin to get pre-treatment.

P. Amato asked if K. Walsh has any issues with the drainage being met? K. Walsh said the conditional approval should reference the KV Partners comments and landscaping requests so that when the plan set is sent, it comes with a written response. K. Walsh said it is a Planning Board decision if the will of the Board is to grant a conditional approval. P. Amato said the Board needs to know that it is getting resolved, as long as it can be resolved by June 1, and included as a condition of approval, or they must come back to the Planning Board. Steve Desmarais does not want K. Walsh to feel pressured but he gave this plan to Meridian in October 2019, and he told his tenant they could be in by June. There is a lot at stake and everyone knows Steve will do what is needed. P. Amato asked about the shed across the road that has garage sales on the weekend – who owns that? Steve responded that the parcel was given to someone by Mr. Savage, it was not given to Steve. T. Finan is ready to move forward.

Seeing no further comments or questions from the Board, D. Knott opened the hearing to the public. D. Knott asked for comments or questions from the public, asking that abutters go first and please state your name and address followed by other public comments. K. Walsh said there are no people in the waiting room for questions or comments. D. Knott closed the public hearing.

P. Amato asked about the building on the back of the parcel, is it wood? Steve said it will not be seen from the road but it will look good and yes it is wood. P. Amato moved to grant conditional approval with the landscaping plan narrative submitted by June 1, 2020 and by having all 8 drainage comments made by KV Partners addressed and given to staff for approval as soon as possible. J. Langdell seconded. D. Knott took a vote: Pete Basiliere, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yet, D. Knott yes. Motion passed unanimously.

Pete Basiliere indicated that Susan Robinson has arrived. D. Knott asked that Susan take her seat as member for the next application and that Pete Basiliere (alternate) step down and can participate in the discussion for the next application but not in the vote.

- d. **Hannah Holdings, LLC (owner) and Thomas Egan (applicant)** – review for acceptance and consideration of final approval for a minor site plan for a 192 square foot building addition for the purpose of a gift shop. The parcel is located at 786 Elm Street in the Industrial District and West Elm Overlay District. Tax Map 12, Lot 15.

S. Robinson moved to accept the plan as complete. J. Langdell seconded. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yet, D. Knott yes. Motion passed unanimously.

Tom Egan, applicant, explained he would like to add to the current business at 786 Elm Street a hot dog and ice cream stand to add a gift shop which would work in coordination with the current use. This business operates seasonally; the current building provides hot dogs and ice cream out of the same building. The existing ice cream stand is currently used for storage and the ice cream and hot dogs are served out of the hot dog building. It was pointed out by a Board member that the building currently used for storage could at some point be turned into an ice cream stand which could require additional parking. K. Walsh said there are approximately 25 spaces on site; the Board will need to determine if that is sufficient parking for the three seasonal businesses.

J. Langdell asked if the picnic tables are in the parking area? Tom Egan said they are not, they are outside of the parking area. S. Robinson asked what type of shop will it be? Tom Egan responded that it will sell NH themed old type gifts. Pete Basiliere suggested if the business takes off, is there adequate parking available? Tom Egan said they own all the way back to the train tracks. Pete Basiliere asked out that can be depicted on the plan? T. Finan asked how many spaces are required for the size of the buildings? K. Walsh said the parking regulations for a retail use (gift shop) are calculated by square footage of the building. The size of the structures are small and are of varying uses, placing the parking calculation in the "other" category of the off-street parking table referenced in the Milford Development Regulations; it defers to staff and Planning Board to make the decision on how much parking is needed to meet the needs of the site.

T. Finan asked what is the busiest this gets? Tom Egan said about 12 cars is the busiest. D. Knott asked how many people could fit in the gift shop at one time? Tom answered 2 or 3. D. Knott said if there are five cars for hot dogs and five cars for ice cream plus two employees, we are not even at 20 cars max. Pete Basiliere said if the business grows should the site plan depict where future parking might be? D. Knott does not see a precedent for that, we cannot predict the future growth of a business. Tom Egan said if it does take off, we will have to expand the parking lot and we will be back before the Planning Board for that. P. Amato said they do have the space to expand the parking and could put an area for "future parking" on the plan. Tom Egan said he agrees with that. J. Langdell wants to make sure the plan is dated.

There were no further comments or questions from the Board. D. Knott opened the hearing to the public. D. Knott asked for comments or questions from the public, asking that abutters go first and please state your name and address followed by other public comments. K. Walsh said there are no people in the waiting room for questions or comments. D. Knott closed the public hearing.

P. Amato moved to approve this plan with the recommendation to add future parking on the plan with the current date. J. Langdell seconded. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yet, D. Knott yes. Motion passed unanimously.

J. Langdell asked if there are any people in the waiting room and can they hear the discussions? K. Walsh said people in the waiting room cannot hear or participate in discussions; however throughout the entirety of the meeting no one has been left in the waiting room. All participants were allowed into the meeting and are automatically muted until it is their turn to present and all are unmuted when the public hearing portion of the meeting opens. Nancy Wojtas, 222 Ponemah Hill Road, came into the meeting late and was watching to find out the outcome of the first application. K. Walsh explained the application was conditionally approved. The Board stated the meeting can be watched in full from the Town website.

3. Minutes -

J. Langdell moved to approve the minutes of February 18, 2020 as presented. S. Robinson seconded. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, abstained; J. Langdell, yes, D. Knott yes. Motion passed.

T. Finan moved to approve the minutes of March 3, 2020 as presented. S. Robinson seconded. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, yes; J. Langdell, abstained; Pete Basiliere, yes (voting for J. Langdell); D. Knott yes. Motion passed.

J. Langdell moved to approve the minutes of March 17, 2020 as presented. S. Robinson seconded. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, abstained; J. Langdell, yes; D. Knott yes. Motion passed.

4. **Discussion / possible action regarding other items of concern-** K. Walsh indicated that the Board needs to take a vote for Chair and Vice Chair 2020/2021. P. Amato moved to nominate D. Knott as Chairman. T. Finan seconded. D. Knott said he would accept. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yes; D. Knott yes. Motion passed.

D. Knott moved to nominate T. Finan as Vice Chairman. S. Robinson seconded. T. Finan accepted the nomination. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yes; D. Knott yes. Motion passed.

There may be a joint Planning Board / ZBA meeting on the work session date of May 5, 2020 at 6:30. This is to discuss the solar project which is affected by both Boards.

5. **Adjournment.** The meeting was adjourned at 8:45 p.m. on a motion made by J. Langdell and seconded by T. Finan. D. Knott took a vote: Susan Robinson, yes; T. Finan, yes; P. Amato, yes; J. Langdell, yes; D. Knott yes. Motion passed.

Date: _____

Signature of the Chairperson/Vice-Chairperson: _____

MINUTES OF THE 4/21/2020 MEETING WERE APPROVED 6/16/2020