

1 MILFORD PLANNING BOARD MEETING MINUTES
2 January 21, 2020 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 Janet Langdell, Member
8 Susan Robinson, Member
9 Jacob LaFontaine, Member

Staff:

Kellie Shamel, Planner

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11 **Excused:**

12 Paul Amato, Member
13 Pete Basiliere, Alternate Member
14 Laura Dudziak, Selectmen's Rep.
15 Darlene Bouffard, Recording Secretary
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19 **1. Call to order:**

20 Chairman Knott called the meeting to order at 6:30 p.m. Introductions were made of Board members and
21 staff.
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23 **2. Public Hearing(s):**

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25 **a. Ronald L. & Loreen M. Racicot (applicant/owner)** – Review for acceptance and consideration of final
26 approval for a minor subdivision application to subdivide the existing lot of record into two parcels. The
27 parcel is located at 21 Old Wilton Road in the Industrial and West Elm Overlay Districts. Tax Map 14,
28 Lot 10. *This item is continued from the November 19, 2019 meeting. The applicant has requested a*
29 *continuance.*

30 J. Langdell moved that the subdivision and major site plan application be continued to February 18, 2020
31 for discussion. T. Finan seconded. J. Langdell requested that a copy of the request for continuance from
32 C. Branon be added to the file. K. Shamel said yes. All were in favor. Motion passed.
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- 34 **b. Ronald L. & Loreen M. Racicot (applicant/owner)** – Review for acceptance and consideration of final
35 approval for a major site plan application to construct a 4,500 square foot, two unit commercial building
36 along with associated site improvements. The parcel is located at 21 Old Wilton Road in the Industrial
37 and West Elm Overlay Districts. Tax Map 14, Lot 10. *This item is continued from the November 19,*
38 *2019 meeting. The applicant has requested a continuance.* J. Langdell requested that a copy of the
39 request for continuance from C. Branon be added to the file.
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- 41 **c. James E. & Jean E. Saytanides (owner) and Meridian Land Services, Inc. (applicant)** – Review for
42 acceptance and consideration of a final approval for a major subdivision application and lot line
43 adjustment to depict a lot line adjustment along the common lot lines of Map 56 Lot 51 and 56-52 and
44 then subdivide Map 56, Lot 52 creating three new lots. The parcels are located at 446 and 472 Federal
45 Hill Road in the Residential R District. Tax Map 56, Lots 51 and 52.
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47 D. Knott stated the staff memo reflects that the application is complete. S. Robinson moved to accept the
48 application. J. LaFontaine seconded. All were in favor. Motion passed. J. Langdell moved there is no
49 potential regional impact associated with this plan. T. Finan seconded. All were in favor. Motion
50 passed.
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52 The abutters list was read by J. LaFontaine, there were three abutters present. John Lefebvre, with
53 Meridian Land Services presented the three lot subdivision for James and Jean Saytanides. James and

Jean currently live in the house and wish to combine the lot with the lot with the barn so that the bulk of the land will stay with them and they would be able to sell the farmhouse and land. In doing that, they will be creating three new lots. T. Finan asked which parcel has the farmhouse. John indicated the farmhouse is on lot 56-52. Further, he explained which lots are the three new lots on the plan. The small triangle piece of land in the middle of lot (56-52-2) has an easement. J. Langdell asked if the staff comments could be reviewed. John reviewed each of the comments. The properties are all on Federal Hill Road, zoned residential with a minimum lot size of two acres with 200 feet of frontage. Federal Hill Road is a scenic road. The lots being created meet the minimum size for subdivision, all have the frontage and have had test pits. There are several questions and comments that came up in the staff memo that John would like to address.

Sheet 1 in the comments there is a typo that he will fix. Number 2 asked a general question if John could revise the notes into a chart of some sort, John believes he meets the criteria of calling out the zoning requirements in note 3 so hopefully he does not have to do that. Note number 3 - curb cut approvals will be required before the three new lots are developed. John is in agreement with that and as a matter of fact, the three new locations and the access for the property (because Federal Hill Road is a scenic road and on the curve there is a site distance issue), they have chosen the area that was the prior Federal Hill Road access as the access point to Lot 56/52-1 entering on the corner where there is safe site distance in both directions.

The lot number 2 (56/52-2) on the far side, has a field on that end and would be a perfect access with safe site distance on both sides. The farmhouse has existing access and the lot number 3 (56/52-3) has plenty of visibility. A note on the plan can be made stating that the lots shall receive driveway permits prior to issuance of a building permit if you wish or we can have it as a condition of approval and get the driveway permits as a condition of approval, John did not know which the Board would prefer. Number 5 was a request to provide owner record and mailing label addresses for each of the newly created lots. John noted the address is in Note number 1 and believes the criteria for the checklist has been met.

Number 6, sheet 1 note 5 please add no stonewalls or trees 15 inch circumference or larger shall be removed in the Federal Hill Road right of way without a Planning Board scenic road public hearing. D. Knott asked where the 15" is being measured, is it circumference or is it diameter? K. Shamel indicated that is a standard note that goes with the scenic road language. S. Robinson indicated it is definitely circumference and not diameter, correct? K. Shamel said it is standard language. J. Langdell noted that it is defined in the RSA. John stated they will not be cutting any trees in the driveway development within the corridor of Federal Hill Road right of way, therefore he did not see the need to put in a scenic road application for this, but has no problem adding this note to the plan.

John continued with Note 7 to please add a note that a Stormwater Management and Erosion Plan will be required for any land disturbance greater than 5000 square feet; this is the standard that was recently added to the zoning ordinance and he has no problem adding that note to the plan. On the Lot Line Adjustment subdivision plan, a note shall be added to the plan stating that prior to the signing of the plan all monumentation shall be set and noted on the plan or a security is to be provided. John said he has no problem adding that note to the plan. Number 9 Lot Line Adjustment Subdivision plan, a note shall be added stating the site specific permit number, John believes this is referring to the subdivision approval numbers. John has come tonight to present the subdivision plan to the town before we obtain the state subdivision approval so once that number is issued, which is pending, he will add it to the plan, so he has no problem with the comments other than he believes he meets the requirements of number 2 and number 5.

S. Robinson asked if K. Shamel agrees with that? K. Shamel stated she does agree that it meets the minimum requirements. S. Robinson asked if it would be difficult to make that change? John responded he is struggling with the notes and it would push some of the information somewhere else on the plan; usually the surveyor that reviews and puts the stamp on the plan has a say in what should be on the plan, so this reflects the way he wants to see the plan and it meets the criteria so he would like to leave it as it is. S. Robinson asked if that is okay with K. Shamel? K. Shamel said yes, it meets the minimal requirements. J. Langdell asked who is the surveyor? John responded it is Randy Haight. J. Langdell asked that John have Randy come talk to the Planning Board.

J. Langdell asked if there is one map that shows the wetlands or is it all separated out? John responded that it is separated out; there are a large number of wetlands but there is a large portion that is not being developed but is being added to the other lot. The lots have been mapped but it is not all shown on the overall plan. J. Langdell noted she is just responding to the Conservation Commission memo that it would be nice to see the existing conditions on one sheet. John indicated he did not see that memo. J. Langdell asked K. Shamel if a copy of that memo just received today could be provided to John. John said in his report there were no comments from anybody, he just received some from Heritage today.

J. Langdell indicated these are both late and they are minor. K. Shamel provided the Conservation Commission comments to John who indicated if it is the wish of the Conservation Commission to see this, he has no problem adding an Appendix sheet of the existing conditions. J. Langdell feels having that Appendix sheet might be helpful going forward, noting the Conservation Commission would like to see wetlands not in the lots. John responded that he has done his best to minimize that exact situation. We have to grab the area for the lot so we are required to include that section that is wetlands on the lawn. John stated they did their best to work around the wet areas, to allow the for the septic area. The building envelopes are in the front of the lots. S. Robinson indicated the concern of the Conservation Commission with wetlands on the lots is that the owner might unknowingly encroach on the wetlands, isn't that correct Janet? J. Langdell agreed.

John understands, and there are wetlands present on the lots and avoiding them is something they cannot do and meet the minimum acreage. J. Langdell responded by stating you could if one lot was eliminated. John responded that what is being presented is far less development than what could be achieved on this property. Janet was simply stating the obvious, that's all. John said he is baffled as to what to say, having just received these comments. J. Langdell said in other developments that have wetlands, is to have those wetlands staked with monumentation that identifies it as wetlands and with standard language. K. Shamel agreed, stating there are placards from the Conservation Commission. J. Langdell asked that John just remind people that they are not to encroach or do certain things there, that could be made a requirement, which the town has done before.

D. Knott indicated there is also a letter from the Heritage Commission. John indicated apparently there was a meeting on January 11, the letter talks about the abutter to the property being discussed that has nothing to do with this application, the abutter has a camp lot but it has nothing to do with this. The letter also talks about the Federal Hill Road access proposed to be used as a driveway; Federal Hill Road was realigned in 1846 and this access was discontinued in 1858 for which John has documentation that for over 150 years that land was discontinued and reverted back to the abutters and James and Jean and their predecessor have been enjoying that as a normal piece of land. D. Knott asked about the "site walk"? John responded he does not know anything about that. D. Knott says it states it was offered by the owners.

John, in reading the letter, said it was called a "site walk" with abutters, but he was never notified of any site walk. In reading the comments, it has nothing to do with this property application, it identifies lot 56-72-2, which is an abutting property but the plan does not need to depict all of the specifics of an abutting lot. The comments also speak to the discontinuation of Federal Hill Road when it was reconfigured, for which John provided the documentation. J. Langdell asked if a copy could be provided to the Town for the file. John provided a copy to J. Langdell. The other comments in the Heritage letter are not relevant to this property including the comment about Monson Village which is protected by the Society for the Protection of NH Forests. K. Shamel stated the Society for the Protection of NH Forests was notified. Had John been contacted by the Heritage Commission, he could have addressed each of the comments made, but he just received it today. J. Langdell said the Planning Board also just received it. D. Knott asked if there were any other comments or questions from the Board.

S. Robinson asked if the responses to the Heritage Commission concerns were just reviewed? John indicated he feels that none of the concerns raised are applicable. D. Knott said part of it is that the Heritage Commission letter just came to the applicant and the Planning Board today, it should have been received by the 15th, it was received in the town office the 17th and the applicant did not have time to respond. J. Langdell stated that the documentation to support the road discontinuation makes a number of the points made moot, because it was based on the fact that the "Wood Road" was possibly town property

and it is not. K. Shamel confirmed it is not. There were no further comments from the Board. D. Knott opened the public portion of the meeting.

Diane Clifford, 358 Federal Hill Road, wants to understand 56/52-1 which she just bought, it is part of the Old Girls Club and she has been trying to find ways to restore it as its part of the town history and now it is in somebody's yard, Diane had not noticed this until she actually just looked at it, it seems odd. It is a concern. John stated that is the property you purchased, that's its configuration. At any point that could have been someone's yard around that. S. Robinson asked if the property lines were as shown when you bought the property? D. Clifford said she could not answer that, she is bringing this up because she contacted the Historic Society to find out what could be done to restore the property because it could be quite beautiful and is part of the history of the town and now there's going to be that access road. John responded yes, that is the access road that is existing, that will be improved and turned into a driveway. D. Knott asked if there were any other abutters that wished to speak, seeing none, he asked for any other public comments.

D. Palance, Heritage Commission Chairman, said he has a couple of concerns, it is a very sensitive area when you think of the old mills of Lawrence and Lowell and that sort of thing, you think of those working girls that were younger than 18 working in the mills. There was a pastor down in Lowell who saw this and wanted to donate his property, which is on this map, to the Girls Society for a summer camp. So this is a historically sensitive area. D. Palance has two concerns, one is the Wood's Road, he would like to see what the law says about this road, according to sheet 2 of the plan, the setback from the road looks like it is touching the setback for this abutter's property, he does not believe that is a legal setback for a road; the setbacks are not right. So if access was given there, there is not enough room on both sides of that road that won't impinge on the abutting property. The abutter is concerned with sharing this with the town as a historically important site. D. Palance would be interested in what the law says about carriage roads, and about grandfathered in-kind, it does not say who owns them but D. Palance believes it is implied that they were originally roads. The pizza shaped lot, Lot 56-53, he does not believe that is a legal lot, the house that is there will be in the middle of that road.

J. Langdell said the town road was discontinued at town meeting. D. Palance said he would like to see that documentation. J. Langdell said John just presented that information and submitted it to the Board so it's a moot point. John cited the state states that when a town road is discontinued the ownership reverts back to the owner it was taken from. D. Palance asked if this is cited on the plan? John responded that it was done over 150 years ago. John stated the setback is assigned properly, there is not a front setback there, they have their own setbacks on their property and we have our own setbacks on ours. John said the setbacks are noted on sheet 1, showing a 30 foot front setback and a 15 foot setback from side and rear lot lines. D. Knott added also 25 feet from wetlands. D. Palance asked how close is that building to the abutter's property line? John responded that is a moot point, that's their property. D. Palance said he thinks it would be more viable if those lots were combined so those abutters were not living in the wedge of a pizza slice. John stated that is what the owners purchased for that property. D. Knott stated this is not the forum to be disputing this, Mr. Palance is welcome to make comments on the plan, but not welcome to come up and debate it as you are not an abutter. J. Langdell stated we should not be talking about the viability of an existing lot. D. Knott added that the Heritage documents were not submitted in on time for review. There were no further comments or questions. D. Knott closed the public portion of the meeting.

D. Knott said this should be further discussed by the Board, there were some accusations brought up that should be discussed by the Board. D. Knott asked for input from Town Planner K. Shamel, who stated the town does not have jurisdiction on a pre-existing non-conforming lot, the Planning Board is not discussing that lot, 56-53. D. Knott added that the applicant went through everything properly, it was reviewed. K. Shamel stated the lots being proposed comply with the town regulations and they will go through the state subdivision approval. D. Knott stated if there is any consideration of that existing building that is a separate matter and is not within our purview. S. Robinson said they could communicate amongst themselves. J. Langdell stated that she would like to add as a condition of approval adding wetland placards to the areas deemed by the Conservation Commission. There was a request to add the location of the proposed driveways and getting the driveway permits prior getting the

building permits. K. Shamel asked to re-cap the comments to add. J. Langdell said adding an appendix to have everything on one sheet. The Board was in agreement with the actions to be taken regarding the plan. It was agreed, on John's recommendation, to add "Monson Village" under the Society For the Protection of NH Forests abutter label, to which all agreed.

D. Palance had a brief comment. D. Knott opened the hearing for a brief public comment. D. Palance requested that Meridian respond to each of the comments made by the Heritage Commission, in writing. D. Knott closed the public hearing. J. Langdell indicated she feels the transcript and the minutes of this meeting should be sufficient to address the points brought up by the Heritage Commission at this meeting. We went through the A through I comments so the transcript of this meeting should be sufficient to meet that request. D. Knott indicated the Heritage Commission requested that the points made in their letter dated January 8, 2020 and delivered to the Planning office January 17, 2020 responses be documented in writing from Meridian, but the Planning Board feels that all the points on the back of said letter A through I were reviewed and the transcript in the form of meeting minutes will suffice for that request. T. Finan moved to approve the plan with the conditions noted. J. LaFontaine seconded. All were in favor. Motion passed.

- d. **Amend Article VI. Section 6.03 Floodplain Management Ordinance in its entirety to comply with the National Flood Insurance Program (NFIP) and National Flood Insurance Program Act of 1968 (P.L. 90-488, as amended) and general administrative changes throughout the article.** K. Shamel stated this amendment was discussed at the last meeting so this is the second public hearing. Since that discussion, the only change is the explanation on the ballot that it allows the owners to purchase maps from the NFIP, which was requested at the last public hearing. Other than that there have been no changes to it. J. Langdell asked if these proposed zoning amendments will be on the town website within the next 48 hours? K. Shamel responded that they are already on the town website now. J. Langdell asked where they are located on the website? K. Shamel said they are on the Community Development home page. J. Langdell asked if they could be put on the 2020 Voter Information page. K. Shamel said she can. J. Langdell explained that it is right up front and easy to find, since a number of people look for these things and it is difficult to find. J. Langdell thanked T. Finan for helping get that section of the website created. K. Shamel said she is looking for a vote to post and publish. D. Knott opened the hearing to the public for comment or questions. Seeing none, D. Knott closed the public hearing. J. Langdell moved to post and publish this amendment to the warrant. S. Robinson seconded. All were in favor. Motion passed.

- e. **Amend Article VI. Overlay District, Section 6.06.0 Commerce and Community District by deleting said section in its entirety and renumbering subsequent sections of the Zoning Ordinance accordingly.** K. Shamel stated this amendment was discussed at length at the last few meetings so this is the second public hearing. There have been no changes since the first discussion. The second amendment (paragraph f below) had a sentence added to make it not contingent on the first one (e) passing which was discussed at the last meeting. Seeing no further discussion, D. Knott opened the hearing to the public for comment or questions. Seeing none, D. Knott closed the public hearing. J. Langdell moved to post and publish this amendment to the warrant identified as Ballot Vote 1. S. Robinson seconded. All were in favor. Motion passed. K. Shamel indicated there are two changes therefore two votes are required. J. Langdell moved to post and publish this amendment to the warrant identified as Ballot Vote 2. T. Finan seconded. All were in favor. Motion passed

- f. **Amend Article VI. Overlay District, Section 6.07.0 West Elm Street Gateway District by extending the overlay district to include the properties located at Map 13, Lot 3 (621 Elm Street), Map 13, Lot 4 (605 Elm Street), and Map 13, Lot 5 (589 Elm Street) on the north side of Elm Street.** This was discussed in paragraph e above.

- g. **Minutes** – December 17, 2019 & January 7, 2020. The review of minutes dated December 17, 2019 and January 7, 2020 were tabled to the next Planning Board meeting.

h. Discussion/possible action regarding other items of concern

- a. Milford & Amherst Bike-Ped connectivity meeting.** NRPS reps: Chris Buchanan, Chairman of Amherst Pedestrian and Bicycle Committee, Peter Lyon Chairman of subcommittee, Chris Shank, member of committee, Lois Sara of NRPC, Matt Wakins-NRPC, Jamie Carr, Executive Director. J. Langdell noted that the BOS and Conservation were invited to attend this evening for the record.

Chris Buchanan provided a presentation for the Amherst Bike-Ped Connectivity plan. Amherst is looking to install this path along Amherst Street that enters into Milford. A side path is the preferred method to create separation with motor vehicles and pedestrians and bicycles with a 5 foot separation. There were several depictions provided to allow this type of path. Amherst Street does provide plenty of space to accommodate this path. D. Knott asked how the middle separation will keep a vehicle from hitting a pedestrian? Chris explained there is information available that shows it slows down a vehicle enough to prevent a fatality.

Chris continued that the asphalt will be terracotta colored to distinguish multi-modal space with vehicular space. Sidepath signage will be used. The idea is to avoid a fatality. D. Knott asked if the maintenance would increase the chloride in the ground. Chris said the maintenance would be added to the sidewalk maintenance. The committee is seeking the most cost effective way. The hope would be to have a warrant article on the ballot in March and go forward to construct this in 2020. This path will come up to the Milford town line. T. Finan asked how far the Milford sidewalk goes down? K. Shamel explained it stops just about at the Keogh property and they agreed to extend the sidewalk on Amherst Street in front of their property. And this proposed Ped-Bike path is on the south side, the Milford existing sidewalk is across the street.

T. Finan said it seems like a good idea, but it's not gonna happen this year in Milford. After some discussion about connectivity on the north side vs. south side of Amherst Street, Chris expressed that he would hope that if Amherst Street was ever reconstructed for some reason that Milford would consider continuing this type of path into Milford from the Amherst line. K. Shamel said that stretch of Amherst Street is on the list to be reconstructed in 2020. Pete Lyon indicated that he understands that there is a subdivision that will be constructed on Amherst Street. K. Shamel said Amherst Street is listed as a high priority for construction. P. Lyon said to make this change it is more than just repaving.

J. Langdell said for Milford, this is very timely. This connectivity between the towns is a great thing. J. Langdell asked if they are hopeful of it passing in March? Chris responded that so far the feedback has been overwhelmingly positive. L. Daley indicated this is a great presentation and pointed out that Amherst Street, has been identified as a priority for being worked on this year and he looks forward to working with Amherst, DPW and NRPC on this project to connect Milford with Amherst. J. Langdell asked if staff could take a look at the possibility of this type of path being put in on the south side of Amherst street and if there is enough room. L. Daley responded that it is a little tighter than the Amherst stretch but it is certainly possible, there is right of way there, but it is not quite the size as in Amherst. That is what J. Langdell would like to find out. J. Langdell asked Chris what is needed from Milford? Chris indicated just getting a statement that it is something Milford is interested in would be enough right now. It would be nice if someday Milford could pick up where Amherst leaves off. L. Daley said this would be an opportunity for Milford to re-visit the 2014 connectivity plan within the community and also with abutting communities. J. Langdell asked if staff could get something prepared for the Chairman to sign in support of this plan, since their deliberative is on February 5.

- 4. Adjournment.** The meeting was adjourned at 8:05 p.m. on a motion made by T. Finan and seconded by J. Langdell. All were in favor. Motion passed unanimously.

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

MINUTES OF THE 1/21/20 MEETING WERE APPROVED 2/18/20

APPROVED