1 MILFORD PLANNING BOARD MINUTES ~ APPROVED 2 MARCH 21, 2023 Board of Selectmen Meeting Room, 6:30 PM 3 4 **Members Present: Staff:** 5 Doug Knott, Chairman Terrey Dolan, Town Planner 6 Janet Langdell, Vice Chairman Darlene Bouffard, Recording Secretary 7 Peter Basiliere, Member Andrew Kouropoulos, Videographer 8 Tim Finan, Selectmen's Rep 9 Paul Amato, Member 10 Susan Smith, Alternate 11 Susan Robinson, Member 12 13 **Excused:** 14 Elaine Cohen, Member 15 16 17 18 19 20 members and staff were introduced by D. Knott. 21 22 2. Public Hearings: 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 held. 39 40 41 42 43 44 45 absence of P. Amato. 46 47 48 49 50 51 SVBGC Board of Directors. 52 53 54

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1. Call to order: Chairman Knott called the meeting to order at 6:30 p.m. indicating that tonight's agenda includes a scenic road hearing for Eversource; a continued public hearing one Planning Board application and a conceptual Design Review for a new application. Planning Board a. Eversource Energy-Scenic Road Public Hearing (Notification of upcoming tree and brush trimming & dead tree removal along Town-designated Scenic Roads): In accordance with NH RSA 231:157 & 158, the Milford Planning Board will hold a Public Hearing for Eversource Energy for tree trimming and/or dead tree removal, as part of routine maintenance, on the following designated Scenic Roads: Osgood Road, Mason Road and Melendy Road. Krista, Eversource, is covering tonight for Alison Lafranciosi, who sent the request. S. Smith asked if the trees are marked? Krista responded that only the trees to be removed will be marked. Seeing no further questions from the Board. D. Knott asked for input from the public. There were no public questions. D. Knott closed the public portion of the meeting. Janet Langdell stated that if one of the stone walls were to get damaged during this effort, would it get fixed? Krista responded that any damaged stone wall would be fixed by Eversource. There were no further questions. T. Finan said there is no vote on this, it is just a hearing. T. Dolan indicated he will send a letter to Eversource (Alison) that the hearing was b. Application for Minor Site Plan Amendment SP2022-10. Souhegan Valley Boys & Girls Club Inc. for the property located at 56 Mont Vernon St. located at Tax Map 21, Lot 23. Public Hearing for the proposed use of the existing 22-foot wide Trail Right of Way Easement, for vehicular access. Paul Amato, member, recused himself from this application. D. Knott asked that S. Smith vote in the P. Amato, representing the Boys & Girls Club of the Souhegan Valley, presented the application and introduced Attorney Tom Quinn who has worked on the easements being presented this evening on behalf of the Boys & Girls Club of the Souhegan Valley. Nancy Amato, Vice President of the Board of Directors for SVBGC, was also present; in addition to Steve Desmarais also a Member of the T. Quinn indicated currently there is a warranty deed from the SVBGC to the Town of Milford, acted on by the Conservation Commission. It started out as one continuous easement for a trail along the Souhegan River for a walk way to the rear of the parking lot, where it meets a pedestrian bridge crossing

 over to Keyes Field (Gregg Bridge). T. Quinn said it is as much a Recreation Easement as a Conservation Easement. This is the land that leads from Mont Vernon Road to the SVBGC parking lot. The Club would like to use that as a bus lane, it is the SVBGC land, and they would like to work with the Attorney General (AG), Town of Milford and the Milford Conservation Commission to amend the easement to enable this plan.

T. Quinn said he has structured it to have three easements: 1) the trail easement along the river; 2) a bridge easement (those two are not affected by tonight's amendment); and the real easement in play is and 3) the access easement from Mont Vernon Road to the parking lot. The applicant is requesting an amendment to the Conservation Easement Deed. After some preliminary discussions with the direction from the AG, that amendment is shown on the plans. The applicant proposes to dedicate about 1/3 acre area at the southern most tip for a scenic easement for use the public on the trail as part of the Conservation Easement. In exchange for that, the easement as it affects the pedestrian walkway from Mont Vernon Road to the back of the parking lot will be relieved of the Conservation Easement. Because that access still serves a purpose the applicant proposes to grant a sidewalk easement to the Town of Milford. T. Quinn noted that it is really an access or sidewalk, getting from one point to another, without conservation implications. That section would not be controlled by the Conservation Easement, it would be controlled by the Town as a sidewalk easement which would be extended to the bridge and tie in with the Pedestrian Bridge easement. The Club will maintain that easement. In addition, there will be an easement between the Milford Lumber Yard and the SVBGC to allow the access point on Mont Vernon Road to be expanded and the two parties will share the entrance point but not the whole strip. With about 50ft of frontage from this easement in addition to the 20ft from the other easement, there will be sufficient space at Mont Vernon Road for the buses to turn. He summarized, the Conservation Easement will be modified such that the pedestrian walkway will become a new sidewalk easement with the Town, the lumber yard and SVBGC will have a joint driveway entrance easement, and the Town will be provided a new scenic easement. T. Quinn said the Attorney General's Charitable Trust Division has not signed off on this yet, but he is confident after communications with them, that the scenic easement will be welcomed. He noted that it was the AG's office that suggested something like a scenic easement be part of the proposal so that both the Town and the Club get something of benefit.

Janet Langdell, said the easement documents show that the Club will be responsible for crowd control and that will not be part of the MCC responsibility. P. Basiliere asked about the 30-minute time limit currently on the scenic vista. T. Quinn stated, they are eliminating any inclusion of time limits. S. Robinson agreed with that change. T. Quinn said it is more of a concern for the Club, that they do not want any loitering. P. Amato indicated there are about 9 custodial parents that meet their kids at the Club, which gives the Club the right to tell people to move along, we hope that is never something the Club has to enforce, but without this statement, there is no way to enforce loitering.

- P. Basiliere said in the past, the MCC did not want to be responsible for that. Today that language is not there. T. Quinn was informed of that responsibility today. P. Basiliere brought this to Terrey Dolan's attention. T. Quinn said that will be addressed. P. Basiliere said if this is conditionally approved, that language needs to be corrected. J. Langdell thought she saw that language? T. Quinn said there have been multiple different versions over time, so it was not there at one point. T. Quinn has not talked to P. Amato about this. P. Amato would like there to be a time limit in the easement. The only time that is needed is if there were an issue. T. Quinn said it will say that the Club has to adjust the time spent there, since it wants to accommodate certain activities.
- S. Smith asked if there should be signage posted? P. Amato said it is a trail and there was only one instance when there was a person living out there. This gives the Club the ability to say people cannot live out there. J. Langdell said in the deeds she saw, there was the ability to have language on the trail signs. T. Quinn said there is no intention to remove any signs the MCC has. J. Langdell was thinking more of the directional signs. T. Quinn responded there is the right to have signs for both the Town and the Club. P. Basiliere asked about the Fire hydrant and telephone pole? Why is that easement being changed? T. Quinn said the law allows easements to be amended if the process is followed; they are following that process, the State likes quid-pro-quo and that there should be something of

comparable value given to the Town. It is not that easements cannot be modified, it is that a process must be followed, which is being done.

- P. Amato said the Club is not trying to keep people from walking out there; there are a lot of people that walk on the driveway of the SVBGC but we are good neighbors and we do not mind people walking on that property. P. Amato presented the Site Plan this is a 22-foot trail that leads to Mont Vernon Street. The property is 20 feet, so the plan is to put a fence at the property line. Within the 20 feet will be a paved area, if it was gravel there, it would be a mess. The travel lane would be 12 feet, which is plenty of space, the Lumber Yard fence would need to be fixed after this is all done.
- J. Langdell asked if the turn lane will be used only for school buses or also for vehicular use for live events at the Amato Center? P. Amato would like to leave that up in the air for now. P. Basiliere asked if it is already an entrance and exit? P. Amato said yes, but this new pattern will be much faster for bus traffic, it is a safety issue. P. Basiliere asked how many issues (safety) have there been? P. Amato answered there have been different situations over the years. This year, the schedule has one bus that brings all the SVBGC kids over after school. Steve Desmarais added the parking route is not available for anything other than busses 3:30-5:30 weekdays to drop off or pick up children. P. Basiliere asked if the students can use the parking lot? S. Desmarais said 20 years ago, we could not add the bus lane because of the cost. P. Basiliere said other site plans include a bus lane initially. S. Desmarais said 20 years ago, it was in the plan, but the money was not available to create the bus turn around, which takes a lot of space. J. Langdell asked why it cannot just be one way? P. Amato thinks an event like Pumpkin Festival (for the parking) would want the two-way traffic to be an option. S. Desmarais said it will be one way only for busses, it is not wide enough for two-way traffic. P. Basiliere noted the plan says "12 feet wide one-way traffic". Is it one or two-way? S. Desmarais said it will be one-way every day down there. J. Langdell said the Amato Center is an Event Center, is flexibility wanted to get vehicles in and out? P. Basiliere said the staff memo says this is a limited use bus lane, but now we are talking about other events, of trucks and cars, that could also use it. P. Amato said it is just one-way. If there is an event, S. Desmarais said there would be temporary two-way traffic signs erected. For bus traffic 3:30-5:30 M-F this is would be one way, what about other vehicles? P. Amato does not want to speculate, the SVBGC owns the land. P. Basiliere feels that this is a major change in the easements that affect abutters. S. Desmarais said the land was there and used by the American Stage Festival a long time before any houses were built there.
- D. Knott asked if kids are getting dropped off instead of bus drop off, can cars go out this new driveway? S. Desmarais answered there is no way to stop them from doing that. D. Knott asked what is the traffic count? S. Desmarais said there are 200 kids every day but the busses bring about 100 of them. T. Dolan pointed out the two additional letters that came in today at noon, copies were left at the places of Planning Board members tonight, they were not posted on the website. P. Basiliere said he did not have them until just now for review. T. Dolan said the environmental Stormwater review responses were not done prior to this meeting and an IDR was missed, but the responses on stormwater were just received and there was one comment from the Fire Department.

Chris Costantino, Conservation Coordinator, apologized that the Commission did not comment on the application. The Conservation comment is to remove that the Grantee be changed to Grantor in the language. P. Amato commented that there was confusion with the plan and a revised plan, and what was sent out for comment. P. Basiliere cannot tell on the plan if there is enough room for a bus to make the turn. P. Amato pointed out that there is plenty of room on the plan for a bus to enter Mont Vernon Street. S. Desmarais stated the Engineer said it would work. P. Amato continued by stating the snow will be pushed into the parking lot but will be plowed more often in a big event. P. Amato said the land would drain the same way it always has, which is through catch basins. S. Desmarais maintains this property and uses salt much lighter than the town uses due to the proximity to the River.

The comments made by KV Partners, provided this evening, are relatively minor, according to P. Amato. The email from Attorney Peter Smith was brought up; T. Quinn stated that modifications to easements can be made but they should be done with the understanding of the owner. S. Desmarais

said when the bridge grant was given, the easement along the river was used, the easement granted was for the sidewalk to the bridge to Keyes Field adjacent to the Lumber yard.

T. Quinn the issue identified by Attorney Smith is not an original thought, it is part of the process and that is why we went to the Attorney General Office, we started with the Conservation Commission, we are talking about a land use issue. The Planning Board needs to look at this from a Land Use perspective. S. Robinson feels the letter from Attorney Smith is to make sure the town is following the process. T. Quinn agreed, saying that is correct. Seeing no further input from the Board, D. Knott opened the hearing to the public. Asking that those wishing to speak state their name.

Celeste Barr, Sunset Circle, said the intent of the permanent trail easement (she read an excerpt). A half million dollar HUD grant was received by the Town for the Gregg Bridge and easement. This money came from a Federal grant and the Town should not change those easements and intent. The intent is for future generations. C. Barr continued that this keeps being referred to as "a Bus road", in 2016, when this came to the Town, there were 14 busses coming to the Club from the school system. The use of the parking lot by the Club was inhibiting the area for the busers. Now there are maybe three busses instead of 14. C. Barr does not see a reason for this. A limited access bus route, is what is proposed, but tonight we are hearing it will have more use than that. The proposed swale will it provide adequate drainage before it heads to the river? What about the setback from the roadways for current residents?

Cheryl Monnell, abutter, indicated when her property was bought she was told that walkway was permanent. This change will add traffic to her area. When the Amato Center is rented out for different uses, it increases the traffic and she asked what is the environmental impact? She does not want cars going by here late at night. The traffic creates exhaust, which impacts her property. The lumber yard has deliveries in the morning and that is all. Do the abutters even count? She is all about the safety of the kids, but asked about the land in front of the Amato Center, asking why can't that be used for this? That looks easier and cheaper in her opinion.

Kevin Latour, abutter, understands this but it is a 20-foot trail, we have not seen any plan for stormwater, noting there is a low point on the trail. Mr. Latour said there will be no way for the water to be absorbed if it is paved. Steve Desmarais said we have no right to put water on an abutting property, but the square footage is so small there is not a requirement for a stormwater plan, but the water will go in a detention basin on the site.

Rodney Dellafelice, Milford Conservation Committee member, asked if this new easement is perpetual? Attorney Quinn responded it is perpetual, but it can be amended subject to the Attorney General's rigid process. R. Dellafelice said that is important, if the sidewalk is paved, is there recourse to make sure it is maintained? Attorney Quinn answered yes, that easement will go with the land; the town can enforce the easement to make them maintain the sidewalk. R. Dellafelice asked if it will be paved or not? Attorney Quinn said the document (for the easement) was drafted prior to the decision to pave and the language will be changed to reflect it being paved. R. Dellafelice asked what happens if the scenic easement erodes? Steve Desmarais indicated it will be a better scenic easement in that case. R. Dellafelice feels this should come back to the Planning Board.

Nancy Amato, Amato Center Board of Directors, indicated the Board did this to allow the walkway on the SVBGC easements, to help everyone else, we had it next to the Club; Diane Fitzpatrick was on the Milford Conservation Commission at the time. Paul Amato added the Town would have been just as happy to have a 5-6 foot trail, but it changed to 20 feet and the Town will continue to have the walking trail.

Kevin Latour, abutter, asked why a stormwater plan is not required for this? Steve Desmarais said this does not raise to the level (size) that requires one. Kevin Latour said there was no drainage or grading shown on the plans provided. Paul Amato pointed out sheet 2 of 4 of the plan shows drainage and grading. The water cannot go onto the abutting properties. S. Desmarais stated the Section on Page 3 needs to show stormwater drainage grades.

- Celeste Barr, abutter, can see everything on this site every day, the busses do not come in until 5:30 p.m., she sees the theater crowds and that is when parking is an issue. In 2004 the SVBGC got a parking waiver but now all the parking can be used and the traffic backs up. The scenic easement does not seem to her to be something the town is getting back. In the plan the snow storage is stated in one area, but will snow be stored there? The main entrance to the Club has a wide area to swing in and out, C. Barr asked about the setback for the existing residents to the property line? C. Barr said right now, the stormwater does not drain the way it was explained tonight. D. Knott closed the hearing to the public.
 - P. Basiliere said the snow is piled up right now, the plan should show where the snow will be piled/stored. D. Knott asked if a gate could be used when the traffic is low? P. Amato is not sure it will be used enough to warrant a gate, he would be more than happy to put a gate in if it were to be used. Paul Amato said there will be traffic sitting and idling at the end of the driveway; at the end of an event, the traffic is the same as it was for the American Stage Festival. P. Basiliere also thought of having a gate there when the traffic is low.
- S. Robinson asked if the easement was there prior to the Club being built? P. Amato said not to his knowledge, but Nancy Amato was a Selectman at the time and when the bridge grant was awarded we talked about the Trail easement. Nancy Amato said they might have gone to the American Stage Festival owners but she is not aware of that. P. Amato said currently the trail is not maintained in winter at all; that is not the Club's responsibility.
- Seeing that there were further comments from the public, D. Knott re-opened the hearing to the public. Cheryl Monnell, abutter, said she did not get answers to any of her questions. P. Amato indicated the difference in elevation on the site is drastic, the trail comes right up to the property line, he cannot anticipate how much the Club will grow with events and how will it affect the abutters quality of life. D. Knott asked if there is intent to grow the theater, there are Club kids that come in a perform and lots of family come to see the performance, but there are fewer kids than the American Stage Festival had. The Club also hosts dancers and other events; D. Knott asked are the performances more frequent? P. Amato said there is no future plan to double the events. Cheryl Monnell asked what will this do to her taxes? D. Knott said this Board cannot answer that.
- Celeste Barr, abutter, said no trails are "not maintained", they are just used. J. Langdell asked if the 2002 memo referenced by Ms. Barr confirms the grant for the conservation easement and what that money should be spent on.
- Attorney Quinn said that memo has been submitted as part of the File, Lincoln Daley has done a search of the town records and they found no evidence that any Federal Funds were used for this access to Mont Vernon Road. The money was also awarded for sidewalks, the Mont Vernon Street sidewalks and the sidewalks up to the MCAA fields. J. Langdell thanked Attorney Quinn for that information. Seeing no further questions or comments from the public, D. Knott closed the public portion of the hearing.
- P. Basiliere asked if the Fire Lane around the back of the Club could be used for busses? P. Amato said that access is really tight and was required by the Milford Fire Department. P. Basiliere thinks that might be a consideration. P. Amato said that was looked at and it was felt it would not be safe. T. Finan said looking at the use of the land, not the easement, both parties have to agree. Attorney Quinn said the Milford Conservation Commission agrees to the language except as noted, and the Milford BOS is involved. The new easement would be signed by the Board of Selectmen and the Town would also sign the amended easement. J. Langdell asked if the MCC needs to re-visit the easements? Chris Costantino, Conservation Commission Coordinator, said the commission had an issue with one clause stating a time limit for people to stay, if that is the responsibility of the Club, MCC is all set.
- J. Langdell stated the easement needs to be adjusted in the plans and the language in the easement needs to be adjusted. R. Dellafelice, Conservation Commission member, said the information needs to be brought back to the MCC. S. Smith feels there are some things on the plan that are different than what is on the MCC plan. P. Amato said the use did not change. S. Smith asked if there is some type of

barrier to screen cars idling, such as bushes, that might be helpful. P. Amato said a 6-foot chain link fence with the green privacy slats is there now. If abutters would like for shrubs to be planted on that side of the fence, that can be talked about.

In closing it was agreed the plans need to be cleaned up, there are trees requiring removal, and discussions about adding shrubs. P. Basiliere said there is enough uncertainty that this needs to be continued to the next meeting. The legal language and the plan both need to be amended. T. Finan, J. Langdell, S. Robinson, P. Basiliere, S. Smith all agreed. J. Langdell moved to continue this application to the April 18, 2023 Planning Board meeting. P. Basiliere seconded. All were in favor.

c. Conceptual Design Review for Major Sub-Division (SD2023-01) & Major Site Plan (SP2023-02), Map 42, Lot 69, ("0" Ponemah Hill Road), known as "The Q @ Milford". The residential project is proposed to consist of 216 multi-family (rental apartment) units, in a complex with six residential buildings and a clubhouse, built on approximately 56.29 acres.

Matt Petersen, representing the applicant, explained they are looking for input in order to go back to the drawing board; we have done quite a bit of sidewalks on the site already, and now are looking for Planning Board input. M. Petersen provided an overview of the plan; noting that trails go through the property and they will work with the Conservation Commission on the impact to the woods and to minimize the wetland impact for just over 6000 square feet of disturbance with the amount of wetlands on the property. The buildings are located where they make sense. The location of the buildings were to make sure the residential buildings and clubhouse could be accessed and buildings B and D will have parking underneath and buildings E, F and G will not have parking underneath.

Buildings G and F have lower heights. The landscape architect was hired for this and has a nice package at the end of the Site plan. The lighting is cast down to maintain the dark skies and there is a lot of residual light for all residents to see safely. The final detail is not on the plan yet, including water and sewer. The AoT application was submitted to the State, they are very behind on there reviews. This plan has been around for review and M. Petersen indicated the engineers can take comments and questions from the Board.

- D. Knott asked why is the traffic not going out to Ponemah Hill Road? M. Petersen responded this town likes to get the residents to the main interchanges. We are seeing this as a minor traffic increase and the emergency secondary access is identified on the Plan on Ponemah Hill Road. D. Knott would like to see Ponemah Hill Road as an access to this development. P. Basiliere said the traffic study shows 85 vehicles coming and going (in the morning and in the afternoon). M. Petersen said the traffic numbers are very low, and traffic is only a minor issue, but he will take a look at that access. P. Basiliere's concern is the natural condition of Ponemah Hill Road; P. Amato said that has always been there, we have lots of rules on those roads, and there should be a second way to get out. It will not take all the trips that go onto Ponemah Hill Road. P. Basiliere thinks that second egress is good planning, but who would e responsible for improving Ponemah Hill Road to handle the construction vehicles and drainage on it?
- J. Langdell said the construction vehicles can use an alternative route for the construction. People will be walking on Ponemah Hill Road and maybe with cars more residents will be in favor of sidewalks on Ponemah Hill Road for people to walk on. M. Petersen said that GPI has prepared the traffic report for this application and there are two buildings close to the road; the other four buildings are closer to South Street. S. Smith noted that Ponemah Hill Road is difficult during rush hour; if the traffic study is done, they should look at key hours. M. Petersen indicated there was another letter that came out since this report; he has no problem with naming the inner roads appropriately to reflect the Quarry included in this history of the site, as pointed out by the Heritage Commission.
- T. Finan asked about the internal roads. M. Petersen said the inner roads are 24' wide and do not connect to Ponemah Hill Road or South Street. J. Langdell would love to see sidewalks on Nathaniel Road down to South Street. P. Basiliere thinks this might be helpful to have trails down to South Street, since there might be a gas station/convenience store down there eventually. J. Langdell said with 216

units, that is a lot of people. The Zoning applications for Special Exception have already been heard and approved for the Wetland Buffer, Crossing of Wetland and Building Height. J. Langdell asked about mail boxes and where will those be located. M. Petersen answered they will be inside the buildings and will include boxes for packages. There is a balance between the wetland and trails system; we will come back to the Planning Board with somethings, he is just not sure what it will be yet. P. Amato asked if this will be a town road? M. Petersen said Stoneyard will eventually be a Town road, then there are internal private roads withing the development. As far as the bedroom count, M. Petersen said there will be some units with 2 bedrooms and some with 3 bedrooms.

Jim Pouliot, Water/Sewer Director, indicated there will be a pump station on this site, which will require a 12" line to Ponemah Hill Road down to Nashua Street. Also noted, was that the buildings will all have sprinklers; M. Petersen will look into the possibility of whether a gas line out to these apartments. This development will have a private sewer with pump station that goes to a manhole into the town system. This development will use town water. J. Pouliot said there needs to be an engineering study for the Emerson Road water line and sewer pump. There also needs to be study on the water and if there may need to be booster for water pressure. The Clubhouse will include a gym, mail room, community area, outdoor BBQ area, with benches and possibly school bus stop. There may be school aged kids living here, for which an analysis will be brought at the next meeting.

M. Petersen said he will get information from the State of NH on that. P. Basiliere said for Building G, which is close to existing homes, what will be the minimum impact to those homes, specifically the lighting of Building G and its impact to Ponemah Hill Road residents. M. Petersen said they have used landscaping and downcast lights for lighting. The trees were also added to the back of the buildings and the lights were lowered. T. Finan asked about the parking, and how many spaces for each unit? M. Petersen answered two spaces per unit including handicapped. D. Knott said snow storage should be shown on the plan. P. Basiliere asked if waivers are anticipated? M. Petersen does not see any need for waivers. J. Langdell suggested using some of the granite from the quarry for some benches. S. Desmarais said he could make sure that happens. P. Basiliere asked if there is any plan to protect the residents from getting hurt in the old quarry? M. Petersen said the old quarry is part of this property, next to the clubhouse. They will talk with the insurance company to get information on that. P. Basiliere said the biggest concern is when is that second egress going to be decided.

Action items: second access/egress; lot merger; two properties on Hammond Road (lot merger); P. Amato moved to allow T. Dolan to act on the lot merger for the two lots on Hammond Road.

- **3. Other Business:** J. Langdell mentioned there are two Steering Committee meetings coming up April 11, April 15.
- **4.** Upcoming Meetings: 4/4/23 Planning Board Work Session 4/18/23- Planning Board Meeting
- **5. Adjournment.** The meeting was adjourned at 10:08 p.m. on a motion made by P. Amato and seconded by S. Robinson. All were in favor. The motion passed unanimously.

	Date:	
Signature of the Chairperson/Vice-Chairperson:	D ute	

The Planning Board minutes of 03-21-23 were approved 4-18-23 as amended