

MILFORD PLANNING BOARD MEETING MINUTES
April 23, 2019 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Chairman
Tim Finan, Vice Chairman
Janet Langdell, Member
Susan Robinson, Member
Pete Basiliere, Alternate Member
Paul Amato, Member
Jacob LaFontaine, Member

Staff:

Lincoln Daley, Planning
Darlene Bouffard, Recording Secretary
Videographer, Tyler Berry

Excused:

Laura Dudziak, Selectmen's Rep.

1. Call to order:

Chairman Knott called the meeting to order at 6:30 p.m., introductions were made of Board members it was noted that Pete Basiliere is an Alternate member and will sit with the Board as part of the discussions but will not vote this evening.

2. Review/Approval of Meeting Minutes: 3/26/19 and 4/2/19. J. Langdell asked for one amendment to the minutes of 3/26/19. T. Finan moved to approve the minutes of 3/26/19 as amended. P. Amato seconded. All were in favor. Motion passed unanimously. T. Finan moved to approve the minutes of 4/2/19 as presented. J. LaFontaine seconded. All were in favor with P. Amato abstaining. Motion passed unanimously.

3. Public Hearings:

Agenda items a) and b) will be discussed concurrently until a decision is required, which will be handled separately.

- a. **Milford DG Series, LLC, for the property located at Tax Map 6 Lot 14.** Minor Subdivision Application to subdivide Tax Map 6 Lot 14 to create one additional lot totaling approximately 1.22 acres within the Integrated Commercial – Industrial Zoning District. (Continued from February 26, 2019).
- b. **Milford DG Series, LLC, for the property located at Tax Map 6 Lot 14.** Major Site Plan Application to construct a 9,320 square foot retail store with associated parking, drainage, and site improvements within the Integrated Commercial – Industrial Zoning District. Waiver request from Section 6.05.6(E) Parking and Loading Area Standards seeking relief requiring the separation of off-street parking and loading/unloading spaces from any public street right-of-way and separation from such right-of-way by a granite curb and landscaping. (Continued from February 26, 2019).

Chad and Austin Turner, Bohler Engineering, met to discuss the application previously and talked about items that had come up including size, color and architecture of the building and sidewalk. P. Amato asked that the applicant respond to some of the items in the staff memo. A. Turner asked if he could go through only the staff memo items that were identified as needing to be addressed but will not discuss other items. Of the four items that were identified, two of them were site plan and architecture. The site plan related items were sidewalk and right of way as well as a contribution to the town for sidewalks. Since then, L. Daley has had discussions with town staff and it was determined that the applicant would just build the sidewalk, raised without edging. D. Knott asked if the sidewalk will be flush with the grade, or with a grass strip between it and the road? A. Turner said it will have the grass strip and will be identified on the site plan. Comment 14 on the staff memo is for pedestrian connectivity. This is for a future connection, a shared crosswalk will be included into the plan. A. Turner said that Wilton water has submitted a letter to the Planning Board – Wilton is amenable with the connection, there are two water valves, the Wilton water department has the right to work on the connections. D. Knott asked about repairs to that connection, would that be at the expense of the client? A. Turner stated that is the

agreement. Staff comments 9-13 relate to architecture, additional changes have been made to the architecture, the biggest being the color of barn red, then changing to grey/beige. A gable roof will be used on the side of the building. This change makes it feel more like the surrounding styles and meets the spirit of the gateway. The heating and cooling units will be in the center of the roof. By doing this, the sound created from the units will be reduced for abutters. The changes in the building design break up the size of the building for abutters and the roof slopes towards the back of the building for drainage. P. Amato asked if the back of the building has a gable. A. Turner answered there is a slope in the back. L. Daley asked if from the roadway, the rooftop units are visible? A. Turner does not believe so, they will be closer to the back of the roof. L. Daley said the concern is that is the grade of the road. A. Turner does not think units will be visible. J. Langdell thinks it is a different approach from Route 101A. D. Knott referred to the comments and the regulations regarding the long expanse of the walls. Does the Board feel it meets the regulations? P. Amato said it is better than what was previously presented. Half of the expanse is broken up now. P. Amato feels this architecture meets the spirit of the ordinance. The Pine Valley Mill apartments put 50 a/c rooftop units on that building with nothing to shield them.

P. Basiliere said the left side seems to address the regulations, but on the other side the abutters still face the expanse of the building. A. Turner said on the abutter side, there have been many plantings added and a lot of vegetation is being maintained. T. Finan noted that the abutters will be looking at it from an angle, so it will not seem so long. P. Basiliere, T. Finan, J. LaFontaine and J. Langdell feel it meets the spirit of the regulation. A. Turner said the other items have been addressed for sidewalks and architectural features. L. Daley agreed, stating the windows are just faux because of security and to limit the appearance of shelving within. A. Turner said the windows are not glass, but just give the appearance of glass. A. Turner said there is not a window or frame. L. Daley said it only must meet the design intent of the ordinance. D. Knott said the flat roof in the back is strongly discouraged in this zone. L. Daley asked how loud the roof units will be and will they run everyday? A. Turner located the heating and a/c units central to the building which will attenuate the sound and hours of operation of the units will be 10 am to 10 pm and at night they will be turned down.

L. Daley said a letter from Wilton's Planning Board dated April 16, 2019 was received with comments regarding site distance for North River Road. P. Amato asked if North River Road was aligned better with the Falcon Ridge development? L. Daley stated there was a contribution made to improve that intersection, but the work has not yet been done because of the Penn Stock in the corner of that roadway. J. Langdell stated Attorney Prolman was here about one year ago indicating that the intersection could not be fixed because of the Penn Stock under it. L. Daley said there is not a design that will work, at some point an improvement will have to be done; a design has been done, but it does not incorporate the Penn Stock. P. Amato said it has been addressed but has not yet been solved. J. Langdell asked if the turn radius is sufficient. A. Turner understood at the last meeting that the turn radius was addressed. P. Basiliere asked how much leeway there is for any truck variations. D. Knott said the methods used for the turn radius are approved by Federal standards. P. Basiliere asked about the height in the rear of the building. A. Turner said there might be some portion of the units that are visible from some angles. Seeing no further comments or questions from the Board, D. Knott opened the meeting to the public. Seeing no public comments or questions, D. Knott closed the public hearing.

L. Daley said the rooftop units should be screened from view; he read from the West Milford Overlay District regulations that roof top heating, a/c and other large units shall be screened from public view. J. Langdell said we need to remember that the Planning Board needs to be reasonable within the ordinance regulations and the RSA. The applicant has come forward with an improvement on the plan and included the parapet and a reasonable amount of screening to the units. The Mill was done when this ordinance was enacted and J. Langdell is comfortable with what has been brought forward. P. Amato said now that we have this ordinance, it has worked very well to get things to come forward to meet the regulations. J. Langdell indicated this is a tool for the town to use.

P. Amato moved to conditionally approve the minor subdivision plan for Map/Lot 6-14 to create one additional lot totaling approximately 1.22 acres within the Integrated Commercial-Industrial Zoning District. Conditions include that the applicant shall submit copies of the revised subdivision plan, as

discussed, incorporating all of the comments that were discussed this evening. T. Finan seconded. All were in favor. Motion passed unanimously.

P. Amato moved to conditionally approve the site plan for Map/Lot 6-14. Conditions include the building plans must include a minimum 2.5 feet of parapet along the side walls on the roof and sidewalk detail to town specs, need to be attached to the final plan. T. Finan seconded. All were in favor. Austin thanked the Board for working with them and for their candor through this process.

The Board will vote to accept the following applications as complete and a public hearing on the merits of the proposals will follow:

- c. **Ogie Brewing, LLC., for the property located at Tax Map 26, Lot 157, 12 South Street.** Minor Site Plan Application for a change of use from a restaurant use to a nano-brewery and tasting area. T. Finan moved to accept the application for review. J. LaFontaine seconded. All were in favor. Motion passed. P. Amato moved no potential regional impact. T. Finan seconded. All were in favor. Motion passed.

Bill Ogert, Ogie Brewing, explained this is a nano-brewery, in the business, this actually qualifies as a pico-brewery, it is very small batches of craft beer, two barrels is most likely, but four barrels would be nice. Four barrels is the maximum. L. Daley asked where the tasting room will be? B. Ogert said the tasting room will have some seating and some standing area and will hold fewer than 50 people. B. Ogert feels that is more than adequate for a tasting room, the taste will be a 4 ounce taste, after which the customer would be able to purchase one 16 ounce product. There will not be seating for any length of time. The hours will be Friday through Sunday evenings, 3-10 pm. Upstairs from this facility are apartments. Food is not required at a pico-brewery. In the future, it could be added. Brewing is planned for Saturdays and Sundays with Friday tastings. There will be approximately 200-350 pounds of crushed grain to be disposed of and Bill is contacting local farms for the crushed grain to be used for feed.

J. Langdell suggested reaching out to local agricultural businesses, this is 15-20 gallons of beer being produced and the solids are organics that can be fed to farm animals. Bill stated he is expecting that 100-150 gallons of water will be used per week for brewing. This use is a remodel of an existing restaurant space. S. Robinson asked where the actual cooking and fermenting will be done. Bill Ogert indicated on the plan the brewing location and said customers can have a sample of each beer available and then can purchase one 16 ounce brew, it is not a sitting area for any length of time. Bottles or growlers can be filled for customers "to go". J. Langdell asked if it is anticipated that events could be held here at some point? Bill said he does plan to have a VIP Club of some sort to try new beer. J. Langdell asked what the max capacity is? L. Daley said that is determined by the Fire Department. B. Ogert has not thought about having events of any sort. J. Langdell asked if only the beer produced on site will be served? Bill responded yes it is limited to only what is produced on site. J. Langdell asked what is the distribution process? B. Ogert said it is designed for 24 kegs per week that would be delivered by him. D. Knott asked about parking. B. Ogert said most people have asked him about parking and that will be addressed through their website. J. Langdell suggested a ZBA Special Exception be requested because it is considered manufacturing, it is a process. She is unsure why this is considered manufacturing. L. Daley agreed, stating a Special Exception is required. J. Langdell is not sure why it is considered "manufacturing". Seeing no further questions or comments from the Board, D. Knott opened the public hearing. There were no comments or questions from the public.

J. Langdell moved to conditionally approve this application subject to receiving a Special Exception from the ZBA and that sufficient arrangements are made with Water Utilities as discussed. J. LaFontaine seconded. All were in favor.

- d. **Gerry Tanguay / Glendale Homes, Inc. for the property located at Map 35, Lot 4, 276 South Street.** Major Site Plan application to construct a 4,000 square foot storage building and related parking and site improvements. P. Amato moved to accept the application for review. S. Robinson seconded. All were in favor. J. Langdell moved no potential regional impact. T. Finan seconded. All were in favor. Abutters were read, those abutters present included: G. Tanguay - Glendale Homes, S. Ingram-Meridian Land

Services, Town of Milford. Sam Ingram, Meridian Land Services, presented the application, explaining this is for a 40'x 80' storage warehouse building. The parking configuration is impacted, otherwise very little will change on this site except for the building. The swail drains to a catch basin, drainage off the roof will go into the west swail which goes toward the road to the north of the building. There were some storage units in the back previously and this building is to replace those units. There is a roof overhang in order to park the trucks for loading and unloading. Fourteen parking spaces are required, there are currently sixteen spaces on the site. The building in front of this warehouse will not be touched. The parking still meets the regulations. J. Langdell said some of the parking spaces are actually in the Right of Way. G. Tanguay said those actually are in the State Right of Way since it is a State road. S. Robinson asked how the parking could be remedied? S. Ingram responded if those two spaces were removed, we still meet the requirement. P. Amato asked if the State has been notified about the space in the Right of Way? G. Tanguay said the requirement is being met with the parking. L. Daley indicated the Town is always looking to improve older sites, there should not be any parking in any right of way. If the State has an issue, they will address it. P. Amato said those spaces are not harming anything, if the State needs the space, they will contact the owner.

Visually, L. Daley said there is an impact of the structure along Route 13 to the abutters. S. Ingram said the proposed building will be behind the existing structure. G. Tanguay said the proposed building is 32' at the top of the building. L. Daley suggesting the plans include the height and a not to exceed height. S. Ingram said he can add those measurements to the plan. P. Amato asked if a "man-door" will be next to the garage door? G. Tanguay answered that the building inspector asked that one be added as well. D. Knott asked what the view is for the people looking down on this structure. L. Daley pulled up the GIS on the computer which showed the tree cover and slope looking down. P. Basiliere asked what will be stored in this warehouse? G. Tanguay answered all the appliances for Brennan & Mackay. L. Daley asked if the truck will back in off Route 13? G. Tanguay answered yes, they have been doing that for years. L. Daley stated earlier this Board discussed another application where we did not want trucks to back up off another road in town, but his has been done here for years. J. Langdell said this is an existing business, the other applicant is a brand new store, different situation. L. Daley indicated backing up on a major road is still backing up on a major road. Tom Brennan stated that the tractor trailers have been delivering this way for years. J. Langdell said if this was a change of use for the building, she might say something different, but it's not a change of use. G. Tanguay said it could be said that the trailers should not back in, but there will still be trailers backing in off Route 13. L. Daley said there should be some screening added between the new warehouse and the multi-family building next door. S. Ingram said there is a layer of trees there now. P. Amato asked where is the landscaping plan? L. Daley said the building is behind an existing building, the view is mitigated by the existing house. P. Basiliere asked will there be lighting? G. Tanguay said there will be downcast lighting and exterior door lighting that meets the code. S. Ingram will be sure it is on the plan. J. Langdell asked if the house will actually hide the entire warehouse? G. Tanguay responded a very small part of the warehouse will be visible. L. Daley asked why is this height being proposed? G. Tanguay explained the pitch being proposed is for proper snow drainage and so that the water does not go between the two building.

T. Brennan said the tree out back was taken down because it was overhanging his building and the front tree was not healthy and needed to be taken down. J. Langdell asked if the warehouse could be painted to match the existing building to mitigate the size and height of the warehouse. G. Tanguay said the warehouse will be vinyl sided to match so it will look like part of the house. P. Amato said this will be a massive wall on the sides with a little "man-door". G. Tanguay can look at bringing it down one foot, it requires this height due to the trailers. P. Amato asked how do the appliances get stacked? T. Brennan indicated they stack two-three high, boxes on top of boxes. That is why a sixteen foot height is needed inside. G. Tanguay said you can't see the back side of the building. J. Langdell said when an existing business comes in and requirements are brought up, we talk about them but this is a new industrial building going on the lot with an existing business. L. Daley said there might be opportunities to add trees for the visual impact of the structure. Maybe some trees could be added along the parking area for some of the impact.

T. Brennan would be happy to add a tree where the one was taken out but would rather not add trees in front of the existing building. L. Daley explained that landscaping already exists in front of the existing

structure, we are trying to shield the warehouse in back from the road in front. There is landscaping on site and maybe a tree could be added. P. Amato said this is a warehouse and there are landscaping requirements that we make other property owners meet. J. Langdell stated this warehouse is being put in a place where there is currently asphalt. P. Amato said the Planning Board's job is to treat everyone fairly and we had them change the plan to get things screened. There was no request to waive landscaping. T. Brennan responded 2 out of 4 sides of the building will meet the ordinance.

J. Langdell said we can grant a waiver tonight. So far, the Board has requested the following be added to the plan: lighting, height, warehouse color, landscaping, adding a tree where one was removed and request for waiver (if needed). L. Daley said he can work with the applicant about the landscaping plans, the intent of the regulations is to mitigate the expanse of the warehouse size, but it is recommended that the applicant work with staff to meet the landscape regulations; if they request a waiver everyone needs to be re-notified and it must be re-advertised all over. If a waiver is requested, the process starts all over. J. Langdell said the Board can acknowledge that there might have been a better way, but if the Planning Board agrees with what L. Daley stated, the Board can do a conditional approval tonight. L. Daley stated that staff can work with the applicant for a landscape plan that meets the regulations. P. Amato does not know what that means, the requirements are very specific. S. Ingram asked if the required landscaping plan could be incorporated into the plan set, there is a way to meet in the middle. L. Daley suggested a conditional approval tonight and a Compliance Meeting on May 7. G. Tanguay asked if the landscaping could be tied to the Building Permit final inspection? L. Daley said that cannot be tied to the Building Permit. Seeing no further questions or comments from the Board, D. Knott opened the public hearing. Seeing no questions or comments from the public, D. Knott closed the public hearing.

J. Langdell moved to conditionally approve this application; conditions include: lighting of new structure and dimensions of building on the plan; match or coordinate color/style of new building with existing building for aesthetics; work with staff to develop landscaping plan that meets the current ordinance and come back on May 7 for a Compliance Hearing relative to said conditions. S. Robinson seconded. Motion was approved unanimously.

- e. **Keogh Design Review Subdivision Plan, Amherst Street, Tax Map 23, Lot 2.** Major Subdivision Design Review Application to subdivide Tax Map 23, Lot 2, 118 Amherst Street into nine (9) total residential lots on a proposed 800 foot subdivision roadway and related stormwater/drainage improvements (Continued from 3/26/19).

S. Ingram stated he spoke with Milford DPW about stormwater, the town drainage network will be used to capture the drainage with catch basins at the entrance of the road, where it goes from there is undetermined. It has not been proven whether it can handle it at this point. L. Daley said one is town and one is an unmanaged system; there is a pipe that goes under Amherst Street and ends up on Orchard Street. Part of the investigation is that the town system can handle these systems. J. Langdell asked what is the pipe that goes up to the dentist office? L. Daley said that is a town system. P. Amato asked how can we allow a development to add to that system? S. Ingram is hoping that it will be added to the town system. J. Langdell said part of that land is draining into the non-town system and that will continue. S. Ingram responded there is no increase into that wetland. There is an increase that comes from the first part of the road but a decrease on the second section of the road. We need to figure out where that water goes and he is working with DPW, but it is not well documented. P. Amato said the other side of that drains down toward the river. J. Langdell said with this development, when trees are taken down, there will be more fluid drawn down because there are fewer trees to absorb the water. P. Amato asked if there was evidence of wetlands up there. J. Langdell said yes, it is very wet – D. Knott added that it is spongy. S. Ingram said the drainage calculations done takes that into consideration and the drainage basin is sized appropriately and placed to handle that. P. Basiliere said further down Amherst Street, the properties are getting a lot of water from this property, what is being done to mitigate that run off? We do not want to make a current problem worse. S. Ingram responded the water from the road goes West toward downtown. The detailed drainage calculations were run, we re-sized the detention basin, Lot 8 has a re-sized basin. J. Langdell asked if it takes into account the removal of trees? S. Ingram will confirm that was in the calculations. D. Knott asked if there is any plan of sidewalks toward the oval? S. Ingram responded that was discussed with the owner and he tried to come up with a reasonable plan. Lot 8 was

reconfigured so it was discussed to put sidewalks down to the ones that exist toward the oval. J. Langdell asked what type of sidewalks will there be? S. Ingram answered they will meet town standards, but sidewalks down Amherst Street do not make sense. The intent is to be part of the design and once the project is built, the sidewalks would get done.

J. Langdell said we need to determine that we have the Rights of Way along Amherst Street. L. Daley said the road is 22' wide for internal roads with a 5' strip on one side for the internal road (for pedestrians). P. Basiliere asked if the Board needs the extra 5' for entire road? S. Ingram would prefer the road be the typical 22' without the 5' extra for pedestrians. J. Langdell asked about the change to Lot 8 to make it a buildable lot. S. Ingram said he is just talking about keeping Lot 8 so he is willing to do the sidewalk on Amherst Street. L. Daley wants the Planning Board to determine if Lot 8 is viable based on the upland area shown. The concern is the Planning Board is trying to discourage the use of a Special Exception on the building lot. Is it in the best interest of the future property owner to have the detention ponds on the lot? L. Daley said the Planning Board has the authority to ask for sidewalks. S. Ingram said this plan meets the requirements of a conventional site plan. L. Daley said over time, people like to have accessory structures, Lot 8 does not have any place to put those accessory structures, such as a shed. L. Daley does not like the idea of putting a detention pond on someone's property. The lot meets the requirements but is it viable? J. Langdell asked if there are other examples of detention ponds on a person's property? L. Daley said there are some up in Autumn Oaks. P. Amato has concern with the amount of wetland on Lot 8. Having the wetland and the detention pond on the front of the property makes it difficult. S. Ingram said the house design on Lot 8 has a garage, he can make a change to not have a garage on that house.

T. Finan moved to set the density at 8 lots total. P. Amato seconded. All were in favor. Motion passed unanimously.

P. Amato moved that we designate this development as "Conventional Subdivision", L. Daley interrupted that the motion should identify why, which is because it does not fit the criteria of preservation and conservation. J. Langdell indicated page two of the memo lists those criteria for preservation and conservation. Hearing no second, motion failed. J. Langdell moved to designate this development as "conventional" due to the size and location of this property a conventional subdivision will eventually work better and help to preserve some of the features that are there but all of the features that might indicate and have the size for an open space subdivision are not here. P. Amato asked if Lot 8 can be strictly drainage with no house? L. Daley said it could be just a drainage easement, the home could be closer to the lot 7 and the drainage basin on lot 8 would be included in the drainage easement and would allow the homeowner of lot 7 to have a larger building envelope for accessory structures. P. Amato seconded the motion. All were in favor. Motion passed.

L. Daley asked about the sidewalk for interior road. P. Amato indicated a 20' road meets the town requirement. L. Daley asked if the Board wants to put in 22' road to allow for pedestrian walking? It was agreed to leave the internal road at 20'. L. Daley noted this will increase the loading on Amherst Street, at the next meeting we can talk about the lot in Amherst.

D. Knott opened the hearing to the public. Albert Vess, abutter, said drainage is going to the west, a lot of water comes off to the east, it is going to add water to our lots, he has a sump pump running ten months out of the year. He is worried about drainage and the site line. A buffer along the rock wall would be nice. Lisa Vess, abutter, said her property sits two feet lower than the other lots. She will be looking at these houses all the time now, the wetness all around her yard will increase once all the trees are gone and more water will be draining from the site. Debbie Dunn, 130 Amherst Street, has two sump pumps running constantly, the water will run right down to her house. Tom Martin, 132 Amherst Street asked if the road could be straightened out to have more land on the other side of the rock wall. P. Amato asked how Sam could mitigate the water instead of having it run off. Seeing no further comments or questions, D. Knott closed the public hearing.

J. Langdell moved to continue this application to May 28 as a design review, or can it be moved as the final plan? The applicant stated it will be ready for final review on May 28. J. Langdell moved to

continue this to Final Application on May 28, 2019. T. Finan seconded. All were in favor. Motion passed. L. Daley indicated the last issue on this application is the issue of the road.

4. Public Meeting:

- a. Family Dental Care of Milford for the property located at Map 19, Lots 13 and 14.** Discussion for a minor subdivision to consolidate subject parcels and a major site plan application to construct a 5,400 square foot building addition to the existing 2,400 square foot structure with related site improvements.

Randy Knowles, The Dubai Group, explained this expansion of an existing office building in order to stay in the same location but expand services. There is a waiver for building code requirements, for the main entrance on the public street. The existing entrance is on the right of the property. There is no additional curb cut, this will go from two to one curb cut and they would like to keep two entrances. The 18' driveway would need Fire Department approval. R. Knowles is working with the engineering staff that is doing the drainage and landscaping to screen the parking. Conservation has looked at this. P. Amato asked about the parking. R. Knowles explained with the building, they require 40 spaces because of increased staff and there are hours with staff overlap. There is a rain garden being proposed for roof drainage and the parking lot drainage goes back to the corner. J. Langdell asked about the green space. R. Knowles indicated there will be some pavement pulled up and green will be added. S. Robinson commented on the landscaping noting it is hoped that the drainage and landscaping and plantings do well. R. Knowles continued that the buffer will be on two sides. J. Langdell noted the two abutters are a mixed use and a multi-family. R. Knowles will submit floor lay outs and details of the tower which denotes the entrance of the building. An elevator entrance is on the back of the building. P. Amato asked about snow storage. R. Knowles said there is a snow guard (on the roof) so that snow does not land on customers. A detailed plan will be submitted for the formal review.

This item is for discussion only for this evening. After discussion, L. Daley indicated because of this being in the overlay district, it has to go through the Design Review and then to the Final Application. This will be noticed for the May 28 Planning Board meeting.

- 5. Adjournment.** The meeting was adjourned at 10:35 p.m. on a motion made by T. Finan and seconded by J. LaFontaine. All were in favor. Motion passed unanimously.

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

MINUTES OF THE 4/23/19 MEETING WERE APPROVED 6/25/19