

1 MILFORD PLANNING BOARD MEETING MINUTES ~ **APPROVED**

2 February 26, 2019 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman

6 Tim Finan, Member

7 Janet Langdell, Member

8 Susan Robinson, Member

9 Pete Basiliere, Alternate Member

10 Kevin Federico, BOS rep

Staff:

Lincoln Daley, Planning

Darlene Bouffard, Recording Secretary

Videographer, Tyler Berry

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12 **Excused:**

13 Paul Amato, Member

14 Jacob LaFontaine, Member

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18 **1. Call to order:**

19 Chairman Knott called the meeting to order at 6:30 p.m., introductions were made of Board members and
20 staff, it was noted that Pete Basiliere is an Alternate member but will have full duties this evening in the
21 absence of Paul Amato.

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23 **2. Review/Approval of Meeting Minutes: January 22, 2019** – J. Langdell asked that the minutes be amended.
24 J. Langdell moved to approve the minutes of January 22, 2019 as amended. T. Finan seconded. All were in
25 favor with K. Federico and P. Basiliere abstaining. Motion passed unanimously.

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27 **3. Public Hearings:**

- 28 a. **Burbee Sand & Gravel, 35 North Mason Road, Tax Map 58, Lots 1, 2 and 3.** Major site plan
29 application for an earth and sand removal operation to excavate and regrade approximately 4.7 acres
30 within the residential R district. This discussion was continued at the January 22, 2019 Planning
31 Board meeting and has the potential of becoming a new application based on information being
32 presenting this evening.

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34 Nathan Chamberlin, representing the applicant, indicated this project has been moving forward since
35 the January meeting. The owner is willing to reclaim all the parcels involved. The Alteration of
36 Terrain application has been submitted and we are on the cusp of receiving that, the application has
37 been going through the State since the last meeting. One area of excavation was started without a
38 permit (Phase VIII), the slope was being cut into but had not been issued a permit. Phase VIII was
39 permitted in 2008, but he was called out for going into the area that was not to be started and a permit
40 was applied for. The State did not like the slope that was done, the plan now has been amended to
41 meet the State requirement and that will increase the amount of impact. It will now be 350,000
42 square feet, and the town feels it needs to be re-advertised with a new application. L. Daley noted the
43 State also wants to include part of Phase VIII as part of Phase IX. The bottom line, is that it has gone
44 from 210,000 to 350,000 square feet; everything else is the same on the plan. Nathan Chamberlin
45 said the application has to be re-filed and re-noticed with the new plan. A new plan will be submitted
46 to the town and State with the amount of disturbance which will make Phase IX complete. K.
47 Federico asked about the reclamation work that did not look like it had been reclaimed. Nate
48 Chamberlin said he started out tonight's discussion by stating the applicant will reclaim all of the
49 areas. J. Langdell moved to continue this application to the March 26 meeting with the amended
50 application. T. Finan seconded. All were in favor. Motion passed unanimously.

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52 Agenda items b) and c) will be discussed concurrently after the Subdivision plan for Map/Lot 6/14 is
53 presented in the public hearing.

- 54
55 b. **Milford DG Series, LLC for the property located at Tax Map 6 Lot 14.** Minor Subdivision
56 Application to subdivide Tax Map 6 Lot 14 to create one additional lot totaling approximately 1.22
57 acres within the Integrated Commercial – Industrial Zoning District. L. Daley recommended the

subdivision plan go through its public hearing and then move to the Site plan application and talk about them together. L. Daley explained one lot with 1.22 acres would be created in order to create a lot for retail use. The Planning Board can decide at the end of both discussions if they want to approve the subdivision or site plan but the discussions can be held together.

- c. **Milford DG Series, LLC, for the property located at Tax Map 6 Lot 14.** Minor 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 to requiring number of off-street parking spaces for the proposed retail building. 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 granting curb and landscaping.

J. Langdell indicated per the staff memo, the site plan is complete. J. Langdell moved to accept the site plan application. T. Finan seconded. All were in favor. Motion passed unanimously. The abutters list was read, the following abutters were present: Karen Legault, Brendan and Janelle Getman, Bohler Engineering, Town of Milford, Austin Turner (on behalf of Matt Bombaci). T. Finan moved this does not have potential regional impact. K. Federico seconded for discussion. T. Finan said the Board discussed the regional impact at the January meeting and decided there was no regional impact. In the staff memo there was information regarding that water and sewer utilities would be from Wilton. Is Wilton aware of this difference? L. Daley is not sure the applicant communicated with Wilton on that. T. Finan said that might create regional impact to Wilton. Austin Turner, Bohler Engineering, has reached out to Wilton about this and feels it will not be a high impact to water and sewer, Mr. Turner noted Wilton did not seem too concerned. We feel comfortable there will be a water provider. D. Knott asked if Wilton said yes? A. Turner said there has not been an affirmation but there has been conversation. S. Robinson asked about the noise and light impact (for regional impact). D. Knott indicated there is a list for regional impact and it does include noise and light. L. Daley asked in what way would noise or light cause regional impact? S. Robinson responded the traffic noise and traffic light. J. Langdell feels there would be regional impact due to traffic. D. Knott asked if there was a traffic study done? L. Daley said there was a report provided at the design review and is part of the application package.

Austin Turner said a report was provided at the last meeting in accordance with traffic requirements. Bohler Engineering finds the use category in the ICE book and we found the most conservative use on this site. This use falls in the “variety store” designation which is the most conservative trip generator for the use. When it is applied, we look at weekday peak hours in the morning and evening and again on weekends. If a project generates more than 100 trips a day, it triggers a traffic study. The assessment was done and this use is well below the point where DOT would need to look further. A traffic survey is not warranted for this use. J. Langdell asked if a specific retail store was used for the trips and are the directions in which the cars are coming taken into consideration. A variety store would not provide the types of goods that this store will provide. A. Turner responded that a variety store designation is used for stores like CVS and not for something specific. D. Knott asked if enter and exit counts were taken into account? It is anticipated that there will be only 50 trips per day and will that support this retail store? A. Turner said we would not be here if they did not expect this to be viable. J. Langdell asked if the counts were from a similar store with similar geographic locations and asked what the traffic is on the entry? Austin responded no we did not, but every facility like this that has gone in, has the same methodology for trips. J. Langdell responded that Wilton Road is a concern as is the parking, especially during peak hours, she was told other Dollar General stores would be looked at in other towns. Austin indicated the stores in Hillsborough and Jaffrey were looked at during peak hours both am and pm and there might be sixteen cars at peak times.

L. Daley asked if the size of the store affects the ITE calculation? Austin said it does, the smaller store does not generate as much traffic. L. Daley said the applicant has applied the methodology but the average access road is different and has a different traffic volume. If tonight continues, you will hear that there are a lot of challenges on Wilton Road, North River Road is a very challenging road

and may be impacted along that corridor in the am and pm. L. Daley wants to be sure that has been addressed. Austin responded this is a consistent approach. Most people will be passing by the store anyway on their way home from work or on their way in to work and be able to pick up a few things. This is why the peaks are during those commuting hours. L. Daley said it is more a convenience and not a destination. Austin said it is serving a need but is not a destination store. L. Daley said it is based on anticipated demand; given the limited convenience stores for that area, it may become a destination. Austin said the tenant runs the numbers on the community in the region. L. Daley noted there are competitors less than three miles down the road. This retail store will capture a market in the region. Austin said it is not a regional assessment. J. Langdell thinks it will be a lot of people in Wilton and in Lyndeborough that will see this as a destination for them. There are no stores in Wilton except on the highway. J. Langdell said Milford people might not use this unless there is a big sale because they are heading to other stores first. Austin said it will not be common as a destination, it will be more of a convenience stop. J. Langdell said at this location it might be more trips than what you are expecting. D. Knott asked if the traffic count was done on Wilton Road? Austin said that DOT does not feel this will add that much to the road. J. Langdell said the last traffic counts were done in 2014 and there were about 7000 rides on that road. D. Knott was trying to calculate having 100 customers per day, spending \$25 each is not a lot of sales for a year, how can a store profit with that amount of visits? D. Knott thinks the traffic counts are low.

Austin responded these counts are probably high, based on the cars in the parking lots we saw. D. Knott is trying to understand the volume being generated. Austin responded it has got to succeed for all the money being spent to build it. Pete Basiliere asked if peak times on big holidays were taken into account? Does the ITE include those in the calculation? Austin said it is not on one day of the year, this is a formula for the peak times for 365 days a year. On holidays, Pete would imagine the peak times are more frequent. Austin said there are 28 parking spaces on the plan. J. Langdell said the Planning Board granted a waiver for parking because 30% of the space is warehouse storage. J. Langdell indicated the parking originally was based on the town parking regulations, and it does not include combination retail and storage. Pete Basiliere responded the original numbers imply the higher traffic. We need to consider the impact on the roadway. The site line might not be ideal and it might need evaluation of the road when people are getting in and out of the driveway. J. Langdell said the delivery trailer will be 53' and it will enter the same driveway, on the Wilton Road. She thinks it will have an impact on people trying to get in or out of the driveway. Austin indicated there will be one delivery per week of the trailer during a non-peak time. Smaller trucks like Pepsi would come more frequently. The long trailer would be off peak. The largest truck is a 53' trailer, total length of 73'. The truck will pull into the driveway pulling to the right all the way in and then back up to the loading dock. Pete asked if it will need a three point turn to do that? J. Langdell wants to be sure it swings right in and does not need a multi-point turn. The truck when exiting, will take a right turn and will not cross the double yellow lines, she hopes. Pete Basiliere asked what happens if the truck is delayed for some reason and the parking lot is full and the driver cannot pull into the parking lot? Would the truck sit on Wilton Road to wait? Austin answered no, he cannot see that happening with so many cars in the lot they would need to pull into the loading dock area directly.

K. Federico is listening about the traffic flow and sees this store as a destination, it seems that is not getting through to the engineer. Knowing Wilton Road and the traffic, he thinks it will negatively impact the road. If we feel there is potential regional impact, then what happens? J. Langdell said the Planning Board stops and this gets sent to NRPC per the RSA. L. Daley commented that both the neighboring community (Wilton) and NRPC become active abutters and are notified and can provide comments to this Board. T. Finan said the more he thinks about this, the more he feels we are doing a disservice to our neighbors. Austin said a lot of this was talked about last month at the design review. J. Langdell said that T. Finan was not aware of Wilton providing the water. K. Federico was not here at the last meeting, he reviewed the plans for tonight and keeps thinking "why there?" It is available property, but to place it in that part of Milford does not make sense, he was not here in January and understands the history and traffic on Wilton Road. P. Basiliere asked if Wilton water utilities will have any input on this store? J. Langdell stated there was a plan brought forward a number of years ago for a house and there was regional impact concerns, at that point the water was not adequate there, and that can come into play. The size of the pipe that comes through that area might not be

sufficient. J. Langdell read from the potential regional impact guidelines for everyone. P. Basiliere feels this will be a negligible use of water and sewer, but it affects the transportation network during peak times and days of the year it will be difficult for transit. Austin stated this store has less water use than a single family home, the Planning Board approved a reduction in parking, would that not imply a minimal reduction in traffic? J. Langdell responded no, they are different. S. Robinson asked if the applicant had communication with Wilton about the water? Austin said they have had some conversations.

D. Knott called the question; the motion on the table is this application has no potential regional impact. K. Federico voted no; J. Langdell voted no; T. Finan voted no; S. Robinson voted no; P. Basiliere voted no. Motion failed.

K. Federico moved there is potential regional impact to Wilton on this application and the Planning Board must follow the RSA. J. Langdell seconded. All were in favor. Motion was unanimous.

L. Daley will proceed with regional impact and notify NRPC and Wilton and invite them to the next meeting. L. Daley asked if the Planning Board would like to have a site visit? A site visit was scheduled for Thursday, March 14, 4:30 p.m. There will be no discussions, comments or decisions made at the site visit, but anyone is welcome to attend.

K. Federico moved to continue this Site plan application to the March 26, 2019 Planning Board meeting. T. Finan seconded. All were in favor. Motion was unanimous.

J. Langdell moved to continue the Subdivision application to March 26, 2019. K. Federico seconded. All were in favor. Motion passed unanimously.

L. Daley suggested for all abutters and concerned citizens to call L. Daley or e-mail him with any questions or comments.

S. Robinson expressed concern that the public did not get a chance to speak. J. Langdell indicated the Board agreed there is potential regional impact to Wilton, therefore the applicant left the room and the opportunity for the public to speak will be at the continued meeting in March, but anyone can call and talk to Lincoln Daley.

K. Federico asked if the one gentleman in the audience could ask a quick question regarding the process. John King said he is from California but will be a resident of Milford in about a month; he made comments about the application and what the people did not get from being here tonight, they did not get a chance to speak. K. Federico indicated he understands the frustration, however, on March 26 everyone is able to attend the meeting on this application, but tonight it is a matter of process. J. Langdell said this is a State law; the Planning Board found there is potential regional impact to Wilton, the law states the meeting must stop if potential regional impact is found, and the application was continued to March 26, questions or comments can be brought to that meeting.

K. Federico moved to adjourn the public meeting at 7:55 p.m. T. Finan seconded. All were in favor. Motion was unanimous.

4. **Public Meetings:**

- a. Planning Board Work Session – the work session convened after the public hearing was adjourned at 7:55 p.m. L. Daley said he will notify both NRPC and the Town of Wilton of the potential regional impact of the application for Dollar General Tax Map 6, Lot 14. Both NRPC and Wilton become an abutter to the process and have an active voice the proceedings.

K. Federico said this has never happened on the Planning Board in the four years he has been the BOS representative. S. Robinson wants clarification for the public about why they could not speak tonight. P. Basiliere stated any public comments after the applicant has left would be moot at that point, we did not allow the public go make comments on regional impact because that is a Planning Board decision. K.

Federico said the process has to be followed the public does not get input on regional impact. At the March 5, 2019 work session, L. Daley said there will be two discussions regarding the Moulton lot, in order to possibly accept or not accept a piece of property being donated to the Town of Milford. L. Daley will put this on the agenda for that work session.

Last year, the Planning Board had zoning amendments as goals, there was discussion at the BOS by a concerned resident about that process and that more should have been done for the public. The concern was mostly about the home occupation and solar ordinances. L. Daley indicated the Planning Board followed the process to the tee and the general public were provided the required notices. The State statute for home occupations changed in the last year and would affect a number of people. J. Langdell suggested that we do not want people to come in at the end of the zoning amendment process, we want them at the beginning, we need to make a concerted effort to have every single agenda posted by the Thursday before a meeting. D. Knott said there is not a lot of time to make the changes, we need to get them in at the beginning of the amendment process. J. Langdell said the Planning Board has to have preliminary meetings and get it into the paper earlier. K. Federico said that a resident went to a BOS meeting and had e-mailed one week ago for an appointment and was denied. K. Federico told this person that the amendments are done by the Planning and Zoning Boards, not the BOS. S. Robinson suggested using the Town of Milford Facebook page to notify residents the way the Recreation Department uses it. J. Langdell said if we do not put something out there, we get kicked for not being transparent. J. Langdell suggested everyone take a look at the Town of Wilton website, which was recently re-done and following their naming convention.

PB Goals: The following Planning Board goals were discussed:

- Multifamily housing
- Housing Master Plan, an aging community and encouraging younger people to stay
- Zoning ordinances
- Re-zoning Nashua Street just past Tonella Road, away from oval
- Economic Development
- EDAC – bring back round table when businesses were invited
- DPW and water utilities MS-4, stormwater management
- Stormwater ordinance – work with NRPC coalition
- Hiring consultant to identify assets in town and stormwater assets
- Downtown parking possible solutions
- Off street parking required for all downtown businesses or parking facility

5. Other Business:

6. **Adjournment:** The meeting was adjourned at 9:10 p.m. on a motion made by T. Finan and seconded by J. Langdell. All were in favor. Motion passed unanimously.

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

MINUTES OF THE 2/26/19 MEETING WERE APPROVED 4/2/19