

MILFORD PLANNING BOARD MEETING MINUTES
May 28, 2019 Milford Town Banquet Hall, 3rd Floor, 6:30 PM

Members Present:

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

Staff:

Lincoln Daley, Planning
Darlene Bouffard, Recording Secretary
Videographer, Hazen Soucy

Excused:

Laura Dudziak, Selectmen's Rep.
Janet Langdell, Member

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 vote in the absence of Janet Langdell this evening.

2. Review/Approval of Meeting Minutes: 5/7/19. P. Amato moved to approve the minutes of 5/7/19 as presented. J. LaFontaine seconded. All were in favor. Motion passed with D. Knott abstaining.

3. Public Hearings:

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

- a. **Jessica Hudson for the properties located at Tax Map 43, Lot 24, 64 Tonella Road and Tax Map 43, Lot 30, 0 Power Street.** Public Hearing for a Lot Line Adjustment application to modify the property lines between the subject properties for the benefit of Map 43, Lot 24 within the Residential B and Industrial Zoning Districts.

D. Knott asked for all participants to speak loudly in the Banquet Hall, as there are not a lot of microphones to pick up audio. T. Finan moved to accept the application as complete. J. LaFontaine seconded. All were in favor. Motion passed unanimously. P. Amato moved no potential regional impact. T. Finan seconded. All were in favor. Motion passed unanimously. The abutters list was read; the following abutters were present: The Dubay Group-Doug MacGuire PE and the Town of Milford,

D. MacGuire of the Dubay Group, representing the applicant, indicated the lot on Powers Street was purchased with the primary purpose of providing a buffer for their property on Tonella Road. The plan is to eventually have some type of commercial activity on the Powers Street lot; a no-cut covenant is being placed on this lot and this Lot Line Adjustment will give a little of that parcel to the Quarry property for access on Powers Street. Everyone knows the hardship of Tonella Road (having no outlet) and think it is in their best interest to acquire that parcel for future access. There are no immediate plans for that commercial piece, but they would still keep that access point. Mr. MacGuire asked for questions.

P. Amato asked what land is left after the no disturb easement is done? D. MacGuire responded the initial layouts were discussed, he is not sure of that buffer easement, but it would still be to the benefit of that lot. S. Robinson asked if the entire parcel is 3.07 acres? D. MacGuire said yes, it does limit the development of that piece but it is still viable land. P. Amato asked if the lot is industrial, to which L. Daley responded that it is. P. Amato said a buildable parcel must be two acres, that is the owner's issue but it meets the requirements. There is a frontage requirement on industrial land. T. Finan asked where is the easement? D. MacGuire said the Powers Street lot was the full piece, we are creating the Lot Line Adjustment to give 50 feet of frontage on Powers Street to the Tonella Road development. P. Amato said there is the potential of a new road, but not to tie into Powers Street, to be able to keep both Powers and

Tonella Roads from being dead ends. Mr. MacGuire said this is for the owners to have access off Powers Street. S. Robinson said the Milford Conservation Commission comments on the non-disturb buffer is what is planned. Mr. MacGuire said that is correct. L. Daley asked that monumentation notes be added to the plan as well as the Planning Board signature block and the Conservation Easement for the language restrictions. L. Daley said it is a buffer easement, but it would be good to have a copy of that in Community Development for enforcement purposes. L. Daley has a comment in his staff recommendation for the plan to reflect the removal of the stone house that has already taken place. P. Amato said one of the homes shows it is very close to the lot line. Mr. MacGuire said that is a surveyed location, it is not a livable structure, it is a garage for storage, it is not heated. The only two livable houses are the structures closest to the quarry. When this plan was first created, the stone house was still there and the house was still there, that needs to be adjusted accordingly. D. Knott opened the hearing to the public. Seeing no questions or comments from the public, D. Knott closed the public hearing.

P. Amato moved to conditionally approve the Lot Line Adjustment, with the conditions listed in the Staff Memo as follows: 1) Confirm the intent of the proposed 50' area labeled Parcel A; 2) Update the existing conditions associated with Map 43/Lot 25-1 and Map 43/Lot 25 to reflect (at a minimum) the relocation of the existing house and removal of the stone cutting structure; 3) Add a note to the plan stating that prior to the signing the plan, all monumentation shall be set and noted on the plan or a security be provided to the Town to cover the cost of monumentation; 4) Amend the plan to include Planning Board and Owner signature blocks; 5) Submit a copy of the "No Disturb Buffer Easement" to the Community Development Office for review and comment. T. Finan seconded the motion. All were in favor. Motion passed unanimously.

- b. KGL Landscape Construction, LLC, Tax Map 8, Lot 73, 211 Mont Vernon Road.** Public Hearing for a Minor Subdivision application to subdivide the existing lot of record into three total parcels within the Residential A Zoning District. T. Finan moved to accept the application as complete. J. LaFontaine seconded. All were in favor. Motion passed unanimously. T. Finan moved no potential regional impact. J. LaFontaine seconded. All were in favor. Motion passed unanimously. The abutters list was read. The following abutters were present: KGL Landscape Construction LLC; Tyrone Forbes; Town of Milford; Fieldstone Land Consultants – Michael Ploof.

Michael Ploof, Fieldstone Land Consultants representing the applicant, explained this application is to subdivide the parcel into three lots – two residential and one commercial. The commercial lot has 14 acres with 450' frontage before subdivision. The open space is 12.9 acres. The former use of this lot was the bus dispatch and parking area. The applicant is proposing two new residential lots; lot 8-73-1 will have 153 feet of frontage and 8-73-2 will have 11 acres with 150 feet of frontage. The Commercial lot currently has a car repair and garage business with 150 feet of frontage. There are two easements being proposed, one utility and one for access. The applicant proposes the access easement for the lot that runs along the right of way. The right of way was created in the 1940's to access one of the lots. The lot configuration is unconventional but we are trying to keep the commercial use and make two residential lots and leave the existing garage on the commercial lot. When driving by the lot, it will be more pleasant to look at. The lot is wooded, none of the grades will be changed. The site drains down to an existing basin which will not change. It flows down to the basin and to the Right of way. The buildings on the plan can be adjusted.

P. Amato asked about the brown line shown on the plan – what is that? M. Ploof answered he wanted to show where the gravel is located and noted the drainage will improve. S. Robinson asked about the back lot and where the house will be located. M. Ploof said the house will be near the front of that lot and nothing will be on the back because it is wet. P. Amato said the frontage as shown does not meet the spirit of the ordinance and the applicant should get a variance from the ZBA. L. Daley asked P. Amato if the configuration meets the intent? The physical frontage is met but the lay out should be discussed. P. Amato said they have met the ordinance but does it meet the spirit of the ordinance? L. Daley said they tried to orient the lots to avoid conflict, with the 15' it might lead to conflict of property owners as to who owns what in the yards. P. Amato said they are trying to create a back lot and he thinks it should meet the requirements. L. Daley said that would require a variance to seek relief from frontage. P. Amato said the 15' is of no value to them, that meets the requirement but it is really a back lot and he thought Milford

was getting away from creating back lots. D. Knott said the Planning Board should decide on that right now. M. Ploof stated the plan meets the regulations. P. Amato said it does not meet the intent of the ordinance. M. Ploof said this is a unique situation, there have been other lots that have been approved like this, on Mile Slip Road which has 12' of frontage. We want to stay away from the back part of the lot because it is wet. P. Amato has a problem with the 15' frontage; there is no access from the road. L. Daley said one problem is the number of access points on one driveway. According to this plan, it is also allowing access for the commercial parcel. P. Amato thinks they need to go to the ZBA for a back lot, since the frontage requirement is 50' instead of 150'. M. Ploof said that would create a smaller lot for 8-73-1 by getting a variance. P. Amato said a variance can be requested for any frontage.

M. Ploof asked if the Planning Board could be polled. J. LaFontaine agrees with P. Amato. P. Basiliere asked about the south entrance. P. Amato said they can use it but that is just to get to the back lot. The ordinance calls for a certain amount of frontage, by getting 15', it is not meeting the spirit of the ordinance. T. Finan, S. Robinson both agreed with P. Amato. M. Ploof asked if it could be tabled to the next meeting so that they can go to the ZBA. L. Daley explained if there are substantial changes, it would require a new plan. P. Amato asked if this application could be tabled. L. Daley suggested tabling it to the first meeting in July. Seeing no further comments or questions from the Board, D. Knott opened up the public hearing to the abutters and interested parties.

Tyrone Forbes, of Wilton, is in favor of this project but he has a 30' Right of Way (ROW) and travels back and forth on the right of way. He wants to keep the ROW gravel, as long as this does not change he approve of the plan, the ROW has been there 70 years and he has had a lot of problems. Mr. Forbes wants to make sure the ROW is kept open at all times since it is a permanent Right of Way. For many years, First Student bus company blocked access through this ROW. This ROW was granted through Superior Court. In 1948 the ROW was created, it was re-designed in 1984 because the deed is not clear. M. Ploof explained the ROW and said they are not proposing any change with the ROW. L. Daley said if the Planning Board decides to continue this application, it might be good to put a note on the plan to be sure it is kept clear. P. Amato sees a future issue because Mr. Forbes can drive within 15' of that house on the ROW. L. Daley said this can be resolved. P. Amato responded it might be a site in the future. Mr. Forbes said he is willing to sell the ROW if there is interest. Mr. Forbes said they should buy the ROW or his property and the ROW to clean up the mess. Karen Isabelle said Mr. Forbes has two driveways off Route 13, but the ROW has value to Mr. Forbes. Hearing no other concerns or comments, D. Knott closed the public hearing.

P. Amato moved to table this application to the July 23, 2019 Planning Board meeting which will give them time to address the items identified by L. Daley in the staff memo and tonight. J. LaFontaine seconded. All were in favor.

- c. **Family Dental Care of Milford for the property located at Tax Map 19, Lot 13, 150 Elm Street and Tax Map 19, Lot 14, 154 Elm Street.** Public Hearing for a Major Site Plan application to construct a 5,400 square foot addition to the existing 2,400 square foot dental office and related parking, landscaping, lighting, and drainage improvements within the Commercial District and Nashua-Elm Street Overlay District. Waiver request from Section 6.05.6.A.2 of the Zoning Ordinance seeking relief from the Design Review Process. Waiver Request from Section 6.05.6.C.3 of the Zoning Ordinance seeking relief to construct the building addition approximately 70 feet from the public street right of way. Waiver request from Section 6.05.6.D.2.b of the Zoning Ordinance seeking relief to construct the building entrance in the rear of the building.

S. Robinson moved to accept the application as complete. P. Amato seconded. All were in favor. Motion passed. T. Finan moved no potential regional impact. P. Amato seconded. All were in favor. Motion passed. Abutters were read into the record. The abutters present included: The Dubay Group-Doug MacGuire and Randy Knowles; Town of Milford; Wilsky Investment Group. L. Daley indicated this proposal is in the Nashua/Elm Street Overlay District. A design review would be the next step but due to the discussion at the conceptual review, the applicant asked to go straight to the final review and

skip the design review portion. P. Amato move to grant the waiver from the design review. T. Finan seconded. All were in favor. Motion passed.

Randy Knowles and Doug MacGuire explained that the Dental Group has purchased the property being discussed tonight on Sheet 4. There are two waivers being requested; one to allow the building addition to be approximately 70 feet from the public street right of way and one for the building entrance to be in the rear of the building. An entry "tower" has been proposed for location of entrance to building. R. Knowles is not sure if an additional waiver is needed. The original driveway access was left on Elm Street. There are 40 parking spaces required, there are 6 total practitioners, and the plan is showing 48 spaces. Currently there are 16 spaces on the site. P. Amato thinks 48 spaces should be okay. Marcy ____ of Wilsky Investments LLC said that each team member has their own schedule and they do not all work every day. R. Knowles explained the drainage is on page 5 of the plan, landscaping is interwoven with the drainage. D. MacGuire tried to maintain what is there now, but saw no drainage control, we are proposing sheet flow be collected and re-charged through rain gardens in the NE and SE corners of the parcel which are designed to accommodate all the storm events up to a 50 year storm. One of the comments is the drainage design was reviewed by KV Partners and their comment was the seasonal high water. It is well drained soil and Doug went today to do some test pits and with today's rain, the test pits were very good. It is well drained soil. The rain gardens will work quite well. L. Daley asked about the KV Partners report item 3 about the offsite flow. D. MacGuire said there was not much of an increase and the drainage flow can be expanded to include that drainage flow towards them not away. The plan was conservative on the analysis. The infiltration rate will be much faster than originally thought. A lot of the comments were addressed with the test pits.

S. Robinson asked if soil drainage will be good for ground cover which needs to be put down and irrigated. D. Knott clarified the type of irrigation and asked about snow storage. R. Knowles pointed out where snow storage will be, if it is too much snow, it will be taken off site. D. Knott asked how will the snow get cleared on the site during the day? R. Knowles answered on a snow day or in bad weather, people generally cancel their appointments so there is more space to clear snow. The lights will be on the same side and will not shine on other properties. L. Daley asked hours of operation. Marcy answered they close at 7 p.m. and lights go out by 11 p.m. R. Knowles can add the lighting note on the plan. P. Amato asked if people would be entering in the two-way entrance? R. Knowles answered they are keeping both of the existing entrances, but only one will be two-way and the other will be one way (out). D. Knott asked about sidewalks. L. Daley indicated the closest sidewalk is quite a distance from this property. The sidewalk regulations are looking at "new structures" but this is a use of an existing structure. P. Amato suggested the new building in this district is the Milford Vet which was brought closer to the road. L. Daley said two additional waiver requests need a decision and should be acted on this evening.

P. Amato moved to grant the waiver request for 6.05.6.C.3. S. Robinson seconded. All were in favor. Motion passed. P. Basiliere asked about the ability for someone walking to access the building without walking in the driveway, is that an issue? D. Knott said if there is someone walking up to the site, there is probably not a high risk or safety issue based on the number of cars entering and exiting. We do not want people to be standing on the side of the road which is a safety risk. L. Daley asked if it could be designed for a sidewalk but not be built? D. MacGuire responded that it is already designed that way, so it could be done in the future. L. Daley asked if that could be noted on the plan as well as a landscaping note with the type of irrigation for landscaping, hours of operation. P. Basiliere was satisfied with that solution since we are encouraging public transport and pedestrian access. Hearing no other comments from the Board, the Chairman asked for public comments or questions. Seeing none, he closed the public hearing. D. Knott called the question.

P. Amato moved to conditionally approve the plan as presented and to include the notes for sidewalks to be engineered for the future, but not built; irrigation for landscaping, hours of business, lighting fixtures and hours of operation. P. Basiliere seconded. All were in favor.

4. **Other Business:** L. Daley indicated the Keogh Site (M/L 23/2 – subdivision) plan will be on the website by June 1. P. Amato requested that all plans have the owner signature on the plan by the time it gets to Planning Board review. It was also requested and agreed that L. Daley will get the plans to Planning Board members by Wednesday prior to the Tuesday meetings.
5. **Adjournment.** The meeting was adjourned at 9:05 p.m. on a motion made by T. Finan and seconded by J. LaFontaine. All were in favor. Motion passed unanimously.

MINUTES OF THE 5/28/19 MEETING WERE APPROVED 6/25/2019