

1 MILFORD PLANNING BOARD MEETING (WORK SESSION)

2 December 5, 2017 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Christopher Beer, Chairman

6 Doug Knott, Vice Chair

7 Tim Finan, Member

8 Janet Langdell, Member

9 Susan Robinson, Member

10 Jacob LaFontaine, Alternate member

**Staff:**

Lincoln Daley, Comm Dev Director

Darlene Bouffard, Recording Secretary

11  
12 **Excused:**

13 Kevin Federico, BOS rep

14 Veeral Bharucha, Alternate member

15 Paul Amato, Member

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18 **1. Call to order:**

19 Meeting was called to order by Chairman Beer at 6:30 introductions were made of Board members and staff.  
20 This meeting was not video recorded as it is a work session.  
21

22 **2. Work Session:**

23 Zoning Amendments – Dimensional Standards: L. Daley indicated this meeting might be shorter than  
24 originally anticipated for cleanup of proposed zoning regulation 6.04.8. which is hard to meet. At West  
25 Meadows it was difficult to meet. L. Daley indicated Conservation Easements around the property lots were  
26 required in order for the subdivision to meet the requirements. J. Langdell said that is the interpretation of  
27 Chad Branon. L. Daley said the Spaulding Street subdivision is another example of the difficulty meeting the  
28 requirement. The area was maintained as an area of concern and Bill Drescher mentioned on Page 1 the lot  
29 size. J. Langdell said that was added to get around some other things. There was no provision for the  
30 Planning Board to reduce the lot sizes. Having the flexibility to waive setbacks should be there; the Open  
31 Space subdivision allows that flexibility. The lot size is usually done through conditional use permits. The  
32 Planning Board has adopted a practice to reduce lot sizes. J. Langdell said the Planning Board would not  
33 have changed it to add that, it was included in the original but if it was changed to include it, Bill Drescher  
34 would have looked at it at that time. L. Daley said that is a good question to ask. He went through it with Bill  
35 and there are two substantive changes. D. Knott asked what the definition is for Innovative Planning. L.  
36 Daley said it is defined in the RSA; an open space subdivision has to be based on something. Standards A-J  
37 have to be followed, when there is a decision, it is based on a particular standard in the ordinance. Pages 6-7  
38 reduce the minimum lot size based on a certain standard. J. Langdell asked what are the safety and health  
39 aspects? L. Daley responded water and sewer must be adequate as well as appropriate sight distance. J.  
40 Langdell said what we seem to be finding is that a house will fit, but there is no room for anything else. L.  
41 Daley indicated the soils can also dictate the minimal lot size. D. Knott asked if there is a radius around the  
42 neighborhood to do a design? L. Daley said it is up to the Planning Board based on average size. D. Knott  
43 said these lots are on the edge of being too small. C. Beer asked if the Board wants to dictate in the rules how  
44 we want to determine lot size or look at it on a case by case basis? J. Langdell said something needs to be in  
45 the regulations.  
46

47 L. Daley said there are no criteria right now. D. Knott said that can get the applicant in trouble. J.  
48 Langdell said open space subdivisions have been in areas where they work. There are three in the Res A zone  
49 - Spaulding Street, Union Street and West Meadow. C. Beer said the Board can always do it in Res A but  
50 when we defined the regulation it was not made for Res A. J. Langdell said this regulation was here before  
51 any of us were here. L. Daley said we could change the minimum lot size. J. Langdell asked if there is  
52 anything parcels in town with more than five acres? L. Daley looked up on GIS that Boynton Hill lots are  
53 1.14 acres and are half the size of what is required and it works well out there. L. Daley has not done any  
54 analysis of the parcels in Milford over five or ten acres but a chart can be developed for each zone. C. Beer  
55 said the minimum lot size of 15,000 sf in the RSA. L. Daley asked if the Planning Board wants 15,000 sf in  
56 the Res R zone? J. Langdell suggested what type of house is being built is a factor. C. Beer asked how  
57 everyone feels about allowing a minimum of 15,000 sf? If you go any higher it would need to be broken up

by zone. D. Knott said no matter what is done there will be someone asking for a break, there will always be someone asking for more. L. Daley said they will need a variance. J. Langdell suggested if there can be an incentive to do this and L. Daley asked if a density bonus could be considered. C. Beer said if there was an open space ordinance and we allowed more lots, people would flip out. J. Langdell said if we look to have smaller houses they are more affordable. If that is the goal, we could have a density bonus. L. Daley suggested it is not really a bonus. S. Robinson said adding a density bonus is a huge plus for the town, the way that it is done is important to the community. J. Langdell said we got a report from NRPC about housing incentives and had lengthy discussions on the topic. She asked if this is planned for the March 2018 ballot? L. Daley if possible, yes, it will go before Conservation next week. This is a way to clean up some ambiguous language. J. Langdell said we have always done it jointly and we should invite Conservation into the process. D. Knott indicated there is always time spent on waivers and non-conforming uses. We cannot cover all of the situations in the ordinance, it would be nice if there were a way to reduce the quantity of people claiming hardship. C. Beer said anything we do, they will push the boundaries to get the maximum amount of money, that will not change.

C. Beer said the Planning Board can get something ready for March if we are putting a limit on it. J. Langdell does not want to design the percentage, she likes case by case. L. Daley said we want to allow flexibility. L. Daley reviewed the proposed language in the zoning ordinance for discussion. C. Beer asked if we want to come up with a minimum lot size or just leave it and re-visit it next year? S. Robinson likes reviewing on a case by case basis, and she feels there is danger in defining a minimum lot size. D. Knott likes having the strong suggestion but at the same time likes reviewing on a case by case basis. If we had the minimum lot size, it might make it too restrictive. J. Langdell also likes case by case basis. C. Beer suggested leaving that the way it is and re-visit it next year. J. Langdell would like to get the Conservation Commission involved to which L. Daley agreed.

Zoning Amendment – Fletcher Site Groundwater Management Zone: L. Daley explained this would be a water management zone; this is a requirement by the EPA to eliminate people from using well water for consumption and any watering and instead using town water and sewer. T. Finan asked if this should have been done when the site was first identified? L. Daley responded it is more of a concern with the water underneath the site. The site is cleaned up and the requirement is to do this, it is not that they (wells) are contaminated it is more to reduce the risk of people getting harmed by contamination going forward. L. Daley and Bill Drescher have talked about and reviewed this overlay language to bring forward as a warrant article, but Bill would rather see this presented as a health regulation / ordinance approved by the Board of Selectmen for groundwater. D. Knott questioned what would happen if it was a warrant article but did not pass? L. Daley responded that is the logic of having it be a regulation approved by the BOS with notification to all abutters. J. Langdell agrees it would be better to be handled as a local regulation not a zoning ordinance on a warrant article. One of the requirements is that properties that fall within the zone be determined in order to identify if the deed must be changed. Bill Drescher only thinks that is applicable when the property owner applies for a groundwater permit. D. Knott indicated the Planning Board really should not have anything to do with this except to know which properties are involved, it should be a health regulation. L. Daley said that other towns have handled it that way and it has worked.

D. Knott said more and more places are having groundwater show up with chloride contamination and more states are looking to NH for guidance on NH Green SnowPro. This primarily has to do with chlorides used in winter; the issue of groundwater at the Fletcher site is not just the chemicals that were dumped by Fletcher, but also the chloride. L. Daley said that could be part of the MS-4 that the town is required to submit every year. C. Beer said the Fletcher groundwater zone will not be going forward on the warrant because the BOS will deal with it through public hearings. L. Daley agreed. J. Langdell has questions about the properties on the Fletcher groundwater zone map. L. Daley said he created the map based on his notes but it needs to be reviewed and refined. J. Langdell suggested some of the properties are in the highlands and some are on lower lands. L. Daley said he will refine the map with Bill Drescher and the property owners will be contacted and it will be formalized. The BOS will vote on it in the end. J. Langdell said this map does not follow the groundwater maps from the EPA. C. Beer asked if the EPA should dictate this for the town? The ordinance is required by the EPA. L. Daley said the EPA will not define the properties, they will provide guidance only and they will point out sites of potential concern. J. Langdell asked if there will be any

negative impact at the Boys & Girls Club? L. Daley said it is not surface water it is just that the EPA does not want water drawn from a well for drinking or watering. L. Daley will get the map finalized and bring it back to the Planning Board before it goes to the BOS.

Warrant Article – Commercial & Industrial Development Tax Relief: L. Daley explained this warrant article will be for all of the Industrial and Commercial properties and districts including any grandfathered properties. This has been discussed with Bill Drescher. The TIF District is pretty much what is being proposed here; this program provides a tax exemption for increased assessed values on property improvements for a period of time. What is the District Overlay? We need to clarify that with Bill Drescher. L. Daley will be looking at the Coos County cases where this has been done. C. Beer asked how long is the TIF good for? How many years do we restrict the use of TIF? L. Daley said it is based on the project, the tax increase is dedicated to improvements to the district. J. Langdell said our TIF is created for the Brox property and water/sewer services. C. Beer asked how long does that stay restricted? If they add 25% to the value of their property, for five years they do not pay additional taxes on that value with this tax relief. J. Langdell asked if people could use 79E downtown? L. Daley said that program is a tax deferment, you cannot double dip both programs. L. Daley said 72:80 was written very quickly, there was no review process and it needs further review. J. Langdell indicated there is no specificity on how to manage the program. The article has to be modified and it needs to identify if it is for Commercial or Industrial or both, according to L. Daley. J. Langdell asked how we would define that? L. Daley responded defining the number of years and the percentage is the other part that needs to be defined. The BOS will discuss this on December 11.

C. Beer asked if there is anything in 79E that would not be included in this new program? L. Daley responded there are incentives, it is a different program, but it is similar. There could be conflict between the two and one could trump the other, said C. Beer, we should add that you cannot use both this and 79E. J. Langdell said it may, under state law, be that you can use both. L. Daley said it would be good for the short term. This is an incentive based program. C. Beer asked who would manage this, administratively? L. Daley indicated this is based on the project being completed within a fixed period of time. C. Beer if we had that you cannot do both, it might come off the table. J. Langdell asked if this has been looked at by Assessing? Will this add time to that department? L. Daley said the workload has not been determined yet, but that is a fair question. If there are ten businesses that want to do this, J. Langdell asked if it would be a burden to the town and does the benefit outweigh the burden? It could cause the town to need another employee. At the next meeting December 11, the BOS will discuss this. The program in Coos County has been used but L. Daley did not see the specific information to support it. J. Langdell read there were two existing major facilities that were done that are the types of businesses that towns want to attract. S. Robinson said this might have been going on and it was an incentive for them to finalize it. L. Daley does not see this as attracting certain businesses to the town. J. Langdell said this just passed statewide in 2017, so there's no history. L. Daley said it is just a tool to utilize for businesses that are thinking of coming to Milford. L. Daley feels this is more of a regulation ordinance that the BOS would approve and bring forward with the Planning Board providing input.

### 3. Other Business

D. Knott asked if there has been activity from the anti-Brox group? L. Daley explained the group is appealing but the town is moving forward with the excavation as planned; the most current activity from this group has to do with the lowering of Heron Pond. There was concern about it overflowing so the water was lowered. The town has been talking with DES and Fish & Game, but because of reports given to them about the impact to the native species, Fish & Game ended up writing to the AG and we had to refute. The pond was lowered because of flooding and the town was managing it to minimize the impact to the environment. The Conservation Commission supports the installation of the beaver deceiver.

L. Daley indicated as Brox continues, we anticipate more concerns being brought forward. L. Daley has also talked with Steve Desmarais about 1 Nashua Street and possibly utilizing the 79E program. Currently he is demo'ing the roof and sides.

J. Langdell asked if anyone has approached the town about the Foodee's building. L. Daley has not been approached but there have been multiple inquiries in the old Ralph's station.

The December 26 Planning Board meeting agenda will include two lot line variances, Milford Propane LLC and the Spaulding Street subdivision, Lincoln is requesting that the Warehouse be put onto the January meeting.

It was established that December 6 at 9:30 Chad, Lincoln, and Doug would meet in Community Development to discuss the list of concerns about the Spaulding Street plan.

#### **4. Adjournment**

The meeting was adjourned at 8:10 p.m. on a motion made by D. Knott and seconded by S. Robinson. All were in favor.

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Signature of the Chairperson/Vice-Chairman:      Date: \_\_\_\_\_

**MINUTES OF THE 12-5-17 MEETING WERE APPROVED ON 12-26-17**