

1 MILFORD PLANNING BOARD WORK SESSION MINUTES ~ APPROVED

2 January 8, 2019 Board of Selectmen's Meeting Room, 6:30 PM

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4 **Members Present:**

5 Doug Knott, Chairman , Full Member

6 Tim Finan, Full Member

7 Susan Robinson, Full Member (arrived 6:40)

8 Janet Langdell, Full Member (arrived 7:40)

9 Jacob LaFontaine, Alternate Member

**Staff:**

Lincoln Daley, Planning

Darlene Bouffard, Recording Secretary

Videographer, Tyler Berry

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11 **Excused:**

12 Kevin Federico, BOS rep

13 Paul Amato, Full Member

14 Veeral Bharucha, Alternate member

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16  
17 **1. Call to order:**

18 Chairman Knott called the meeting to order at 6:35 p.m., introductions of Board members and staff were  
19 made. Doug Knott indicated there has been interest for a new Planning Board member to fill an open position  
20 and Jacob LaFontaine, who has been serving as an alternate member, has agreed to fill the vacant full position  
21 effective in January if approved by the BOS. Chairman Knott indicated that tonight Jacob LaFontaine, as an  
22 alternate member, will be voting in the absence of Paul Amato. There was a presentation for outgoing Vice  
23 Chairman Chris Beer, including cake, a gift and a certificate of appreciation for his 13 years of service on the  
24 Planning Board.

25  
26 **2. Review/Approval of Meeting Minutes: December 18, 2018** – S. Robinson moved to approve the minutes of  
27 December 18, 2018 as presented. T. Finan seconded. All were in favor. Motion passed unanimously.

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29 **3. Public Hearings:**

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31 **a. Work Session – Draft Zoning Ordinance Amendments**

32 Lincoln Daley presented the draft amendments for the public hearing.

33  
34 Sign Ordinance - Amend Article VII. Supplementary Standards by replacing Section 7.6.0 Sign  
35 Ordinance in its entirety to comply with the U.S. Supreme Court Decision in Reed vs. Town of Gilbert,  
36 Arizona and update the sign standards, definitions, and general administrative changes throughout the  
37 article. L. Daley indicated the purpose and intent of this is for clarification of definitions specifically  
38 regarding electronic signage and to add changes in technology. The ordinance is being made easier for  
39 people to understand and identify for the customer. Tonight's public hearing is an opportunity for the  
40 public to weigh in for discussion by the Planning Board. D. Knott said this is the result of 5-6 months  
41 of work by staff and boards/commissions. L. Daley explained the majority of the Warrant Article is the  
42 culmination of 5-6 months of work by the volunteer commissions and boards and the planning staff. S.  
43 Robinson pointed out the main cause of this amendment is the Supreme Court case regarding sign  
44 content. L. Daley agreed, stating based on this case, the town can no longer control content. D. Knott  
45 stated the town can regulate the sign type and size but not the content. D. Knott opened the discussion  
46 to the public.

47  
48 Suzanne Fournier appreciates all the hard work done and asked about realtor signs, how are they  
49 addressed if you cannot control content? L. Daley said the town regulates off-site signage, which  
50 would include real estate signs, and is considered temporary signage. S. Fournier said she is the only  
51 person here from the public to speak and said it would be very helpful if the changes were on the home  
52 page of the town website. L. Daley indicated the postings have been done in accordance with the RSA.  
53 S. Fournier said it would be helpful if the draft amendments were on the home page of the website. It  
54 is one thing to comply with the RSA but it would be helpful to the public if it were posted on the home  
55 page then maybe more members of the public would attend. There were no further comments or  
56 questions from the public. D. Knott closed the public hearing.

57 T. Finan motioned to move the Sign Ordinance amendment to the second hearing on January 22. J.  
58 LaFontaine seconded. All were in favor.

59  
60 Solar Collection System – Amend the Article VII. Supplementary Standards by adding new section,  
61 7.11.0 Solar Collection Systems and renumber accordingly. Purpose relative to establishing standards  
62 and a regulatory and administrative review process for solar collection systems in all zoning districts.  
63 In addition, amend Article V. Zoning Districts, Sections 5.02.1, 5.03.1, 5.04.1, 5.04.2.B, 5.05.1, 5.06.1,  
64 5.06.2.B, 5.07.1, 5.08.1, 5.08.2.B, 5.09.1, and 5.09.2.B by adding a Solar Collection System as a  
65 permitted/acceptable use or a use allowed by a Conditional Use Permit pursuant to Section 7.11.0.

66  
67 L. Daley explained the new section being added is Solar Collection for Residential and Commercial  
68 operations in the various districts in town where the systems would be allowed. Certain areas in town  
69 would allow the Planning Board to use a Conditional Use Permit (CUP) to be put in place. The  
70 requirements are outlined and what is required for the CUP includes land clearing and buffers and a  
71 buffer plan. This draft was also reviewed by the Milford Conservation Commission and the ZBA. S.  
72 Robinson asked if the town wants to be more pro-active and more energy conscious. L. Daley said a  
73 change to provide solar utilities was passed two years ago, this amendment further details solar  
74 collection in fields or on a roof. When the Planning Board took on the definition change, it was agreed  
75 the Planning Board would look at it again more specifically. L. Daley asked for questions from the  
76 Planning Board. Seeing none, D. Knott opened the hearing to the public for questions or comments on  
77 the Solar Collection zoning amendment asking that people use the microphone and provide a name and  
78 address for the record.

79  
80 S. Fournier, Woodward Drive, asked if she could sit at the table since she has a lot of paperwork to  
81 provide her comments. D. Knott agreed. S. Fournier first asked if a letter was received from the  
82 Milford Conservation Commission. L. Daley indicated it was actually an e-mail from the Commission  
83 Chair, that can be provided to Suzanne after the meeting tonight. L. Daley explained the Milford  
84 Conservation Commission met about this ordinance amendment, but he did not bring that paperwork to  
85 this meeting. The Commission was very involved in the review and language and did provide  
86 information to the Planning Board in the writing of it. The Conservation Commission was included  
87 from the start. S. Fournier wants to make sure the ground mounted panels were reviewed by the  
88 Conservation Commission; she would like that e-mail from them before the January 22 meeting  
89 (second hearing). Ms. Fournier explained that there is certain criteria that she would like to see in this  
90 ordinance. S. Fournier said since the Planning Board is the body that is providing the zoning ordinance  
91 amendments, it would be good for members to review the zoning RSAs to be familiar. J. Langdell  
92 indicated the RSA is not the ordinance but it is referenced in the ordinance and there are parts of the  
93 statute that also refer to the ordinance. L. Daley said RSA 674.17 provides a list of items that identify  
94 the purpose of the ordinance, but Ms. Fournier is suggesting that other environmental criteria also be  
95 included in the ordinance. D. Knott indicated the Planning Board will take that under advisement. S.  
96 Fournier said in the ordinance it states 70% of a lot size can be used for solar mounting. L. Daley  
97 clarified the CUP, which addresses the use, will require a site plan, if it meets the requirement for a  
98 major site plan, that is required. Within the current ordinance, the CUP is required and a minor site  
99 plan but it could also trigger the major site plan.

100  
101 L. Daley indicated 7.1.1 is already defined in the ordinance. S. Fournier said it sounds like they will  
102 have to submit a minor site plan application, or it could also be a major site plan application. L. Daley  
103 cited an example of what would require a minor or a major site plan. There is the use, dealt with  
104 through the CUP, and then there is the site plan itself, either minor or major. S. Fournier suggested it is  
105 a little confusing. S. Robinson said the resident is always walked through the whole process. S.  
106 Fournier would like it to be very clear in the ordinance and asked if the major site plan application  
107 should be used for all solar installations? S. Robinson asked if that is what Susanne is looking for? L.  
108 Daley explained it is not that clear cut, we have a table of uses that lay out the zones where this is

109 allowed. S. Fournier has pulled out the information in the proposed ordinance and put it in a new table  
110 showing everything and then she saw minor site plan vs. major site plan. L. Daley said it will not  
111 always trip a major site plan, if it is already a developed building. S. Fournier understands that, but she  
112 is talking about ground mounted solar panels. L. Daley said the CUP deals with the use, a minor site  
113 plan is required to identify the use. Ms. Fournier is getting hung up on the use in the development site  
114 plan regulations. The CUP is addressed in 7.11. If any site development trips a major site plan, that is  
115 what is required, it is captured under the development regulations. That would also trip the AoT. L.  
116 Daley said there is a lot of cross referencing that coincides with the stormwater regulations so we cover  
117 all our bases.

118  
119 D. Knott said all of the issues must be addressed through all the regulations that are already in place. S.  
120 Fournier said the major site plan is under the development regulations. L. Daley said the ordinance  
121 covers all of that. S. Fournier asked if it is worth having the major or minor site plan? L. Daley said a  
122 lot of the questions in the development regulations are covered in the major site plan requirements.  
123 One is the use, one is the site plan. It is a very integrated system, it is to allow the Planning Board to  
124 review the use and the environmental, That is all part of the site plan regulations. S. Fournier would  
125 like to see constraints, if there is a list of constraints, the solar companies do not like to adhere to  
126 constraints. D. Knott said they still have to comply with the development regulations. L. Daley said it  
127 depends on the CUP, it really is dependent on the overall review. S. Fournier said the solar companies  
128 talk about areas that are suitable for solar systems and forested land is attractive to them, how would  
129 that go through the development regulations? L. Daley said the telecom companies also base their sites  
130 with those criteria, the regulations being proposes address some of those concerns. The current  
131 regulations have that built in, part of which is to include the Conservation Commission in the review  
132 process. Many of the questions being raised by Ms. Fournier are addressed in the development  
133 regulations.

134  
135 Ms. Fournier questioned the use of the word “may” in the draft ordinance language. S. Robinson said  
136 that actually gives the Planning Board the ability to decide and gives the power to the Planning Board  
137 to determine if it is needed. L. Daley agreed, stating that gives the Planning Board the flexibility in  
138 working with the Conservation Commission. Ms. Fournier suggested there are times when what is  
139 offered by the Conservation Commission is not used and other times it is. For all ground mounted  
140 solar panel applications, the Conservation Commission should be able to review and comment on it. S.  
141 Fournier suggested that it be noted that Fish & Game be notified about solar farms in order to attract  
142 wildlife. Every one of the topics needs to be covered extremely well; S. Fournier wants to encourage  
143 the contractors to do good siting. She wants to be sure everything is covered. In the development  
144 regulations, the Federal and State permits must be followed, but what about the AoT? L. Daley said  
145 no, that is a State requirement, not local. S. Fournier said she will read up on the town development  
146 regulations before the January 22 second hearing.

147  
148 Seeing no further comments or questions, D. Knott closed the public hearing, asking if the minor  
149 changes from the discussion are substantive and require starting the hearing process over? L. Daley  
150 indicated the changes are minor and not substantive. T. Finan motioned to move the draft amended  
151 Solar Collection Systems ordinance to its second hearing January 22. J. LaFontaine seconded. All  
152 were in favor. Motion passed unanimously.

153  
154 J. Langdell indicated the amended draft ordinances do not need to go to a second hearing if there are no  
155 substantive changes. Because L. Daley already advertised for the second hearing, there will be a  
156 second hearing January 22.

157  
158 Home Based Businesses (formerly Home Occupations) – Amend Article X. Administrative Relief by  
159 deleting Section 10.02.3 Home Occupations in its entirety and inserting new section, Article VII.  
160 Supplementary Standards, Section 7.12.0 Home Based Businesses and renumbering accordingly.

Purpose relative to establishing standards and a regulatory and administrative review process for home based businesses in all zoning districts.

The amendments also propose to amend Article V. Zoning Districts, Sections 5.02.1, 5.03.1, 5.04.1, 5.06.1, 5.08.1, 5.09.1 by inserting the type of a home based business as a permitted/acceptable use and 5.04.2.B as a use allowed by a Conditional Use Permit pursuant to Section 7.12.0. In addition, amend Article V. Zoning Districts, Subsections 5.02.2.A.1, 5.03.2.A.4, 5.04.2.A.3, 5.05.1.Q, and 5.07.1.I by replacing the language “Home occupations in accordance with Section 10.02.3” with the type of home based business permitted through the issuance of a Special Exception in accordance with Section 7.12.0.

The amendments also propose to amend Article II. General Provisions, Subsection 2.03.1.C.2 by replacing the language “Home Occupation” with “Home Based Business”. In addition, amend Article IV. Definitions by deleting the definition for a “Home Occupation” and inserting a new definition “Home Based Business”.

L. Daley explained the amendments, noting the biggest change is instead of calling it “Home Occupations” it will now be “Home Based Businesses”, the major difference for larger home based businesses will require a CUP and would trip a minor site plan depending on the size. Examples of the four types of businesses were given. For the Home Industry, screening would be required to not impact the abutters. L. Daley said the applicant would also have to identify the home business in the current zoning district. L. Daley explained each level requires additional information, the goal for that is to have the least impact on abutters. The goal for this ordinance is to encourage home based businesses in Milford to build up their business over time and eventually move into a larger place. That is the origin of this ordinance. Having a tiered system captures the purpose of the home based business. J. Langdell said this amendment addresses the intensity of the home based business because not everything falls into the home based business tier. S. Robinson said Milford will see a lot more of this activity in town.

D. Knott opened the hearing to the public for comments or questions.

Ms. Fournier said the old ordinance worked fine so why change it? J. Langdell disagreed, stating the old ordinance did not work, which is why it is being revised. Other communities are going in this direction for home businesses. Ms. Fournier has a problem with a garage door being opened or closed for a home business, noting the amendment does not specify. D. Knott indicated that is part of the administrative review. J. Langdell said that is handled on a case by case basis. S. Fournier asked if there will be a grievance policy for abutters who will be there to hear activity that makes noise? J. Langdell responded that there is currently a complaint system in place if there is a grievance. S. Fournier asked why a home occupation would necessitate the construction of a new building as the amendment indicates? L. Daley said the intensity is key, when you get the CUP, there the use and then the intensity, a shed for example could be needed. The ZBA special exception details the associated sound, visual impact and other impact and does its best to mitigate those disruptions. S. Fournier said she has no faith in the ZBA, she’s seen what they do. J. Langdell said the ZBA reviews the home occupation under special exception. With this amendment, if it gets to Tier 4 (Home Industry), it goes to the Planning Board with site plan review. That is a more intense review done by the Planning Board. J. Langdell said the current ordinance allows for home occupations, the reason this is coming forward is because the ZBA did not feel they had sufficient information to make their decision. This is not all that new. Ms. Fournier disagreed. L. Daley said this is a way for the town to capture what is going on in the town, this is to provide the necessary regulations to know what is going on in town.

Further, L. Daley said under Home Industry, there is some point at which the Planning Board would not allow the industry to be in that home. S. Fournier said she is concerned about the Home Industry. Seeing no further comments or questions from the public, D. Knott closed the public meeting. J. Langdell asked if there are any other changes that need to be made for the January 22 meeting, besides

the question about the signage for Home Industry. She believes it was that the Home Industry sign would come up at Site Plan review. We have been working on these amendments since September and all of the meetings have been public at which the public is welcome. Next year the Planning Board will go through the same thing and the public is always welcome to attend. T. Finan motioned that the Home Based Business draft amended ordinance be moved to the second hearing on January 22, 2019. Jacob LaFontaine seconded. All were in favor. Motion passed

L. Daley said he will get the information on signs before that hearing.

Self Storage Facilities - Amend Article X. Administrative Relief by deleting Section 10.02.4 Self-Storage Facilities in its entirety, inserting new section, Article VII. Supplementary Standards, Section 7.13.0 Self-Storage Facilities and renumbering accordingly. Purpose relative to establishing standards and the regulatory and administrative review process for self-storage facilities and to permit said uses by Conditional Use Permit in the Integrated Commercial Industrial, Integrated Commercial Industrial 2, and Industrial Zoning Districts. The amendments also propose to amend Article IV. Definitions by deleting the definition for a Self-Storage Facilities and inserting a new definition, Self-Service Storage Facility.

L. Daley explained that the town is starting to see that people want to have self-storage facilities in other areas of town. These facilities are site plan related projects under the Planning Board purview. A Conditional Use Permit (CUP) would apply standards and the lighting must comply with the development regulations. It was felt that this is more of an industrial use and appropriately located in the industrial zones. The Industrial/ICI zone in west Milford is typically where these units have been built. Seeing no further comments, D. Knott opened the public hearing. Seeing no questions or comments, D. Knott closed the public hearing. J. Langdell motioned to move the Self Storage Facilities draft amended ordinance to the second hearing on January 22, 2019. Jacob LaFontaine seconded the motion. All were in favor. Motion passed unanimously.

Conditional Use Permits - Amend Article VII. Supplementary Standards, Subsection 7.11.0 Conditional Use Permits by renumbering section to Section 7.14 and adding a new section, Subsection 7.14.5 Waivers to create a process and criteria for the Planning Board to grant regulatory relief.

L. Daley indicated this section addresses the waivers section and moves it into the zoning ordinance and also allows flexibility. D. Knott opened the public hearing. Seeing no comments or questions, D. Knott closed the public hearing. J. Langdell motioned to move the Conditional Use Permits draft amended ordinance to the second hearing January 22, 2019. S. Robinson seconded. All were in favor. Motion passed unanimously.

4. **Public Meetings:** L. Daley thanked members of the ZBA and Planning Board for all of the input on the zoning amendments being brought forward to voters in March 2019. Planning Board members publically thanked Lincoln and Robin Lunn for all their work pulling the amendments together.

5. **Other Business:**

- a. **Planning Board Updates** – Lincoln Daley indicated the January 22, 2019 Planning Board meeting will include the Burbee Sand & Gravel application, a Land Line Adjustment, the Dollar Store in West Milford as well as a conceptual plan for a downtown business. The meeting will also have the zoning amendments second hearing.
- b. **Members** - Lincoln will invite Pete Basiliere to the January 22 meeting for an interview with the Planning Board about his interest in becoming an alternate member; Jacob LaFontaine confirmed his interest in becoming a full member given the recent resignation of Chris Beer. J. Langdell moved to recommend to the BOS that Jacob LaFontaine be appointed a full member of the Planning Board. T.

Finan seconded. All were in favor. Chairman Knott will send a memo to the Board of Selectmen confirming the Planning Board's recommendation of Jacob as a full member and request that this appointment be placed on their agenda as soon as possible.

- 6. Adjournment:** The meeting was adjourned at 8:50 p.m. on a motion made by T. Finan and seconded by J. Langdell. All were in favor. Motion passed.

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

MINUTES OF THE \_\_\_\_ MEETING WERE APPROVED \_\_\_\_