

MILFORD PLANNING BOARD MEETING

January 9, 2018 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Doug Knott, Vice Chair
Janet Langell, Member
Susan Robinson, Member
Jacob LaFontaine, Alternate member
Kevin Federico, BOS rep

Staff:

Lincoln Daley, Comm Dev Director
Darlene Bouffard, Recording Secretary
Mitchell Hemmer, Videographer

Excused:

Christopher Beer, Chairman
Tim Finan, Member
Paul Amato, Member
Veeral Bharucha, Alternate member

1. Call to order:

In Chairman Beer's absence, the meeting was called to order by Vice Chairman Knott at 6:30, introductions were made of Board members and staff.

2. Review/Approval of Meeting Minutes:

December 26, 2017 – J. Langdell moved to postpone the review/approval of minutes of December 26, 2017 to the next regular meeting since only two members that attended the meeting are present tonight. J. Lafontaine seconded. Motion passed to postpone the review of the December 26, 2017 minutes to the next regular meeting.

3. Public Hearing(s):

L. Daley explained the zoning ordinance amendments for discussion this evening. Amend Article VI, Overlay Districts, Section 6.04.0 Open Space And Conservation District, Subsection 6.04.1 Purpose: to further clarify the Planning Board's authority pursuant to RSA 674:21 and Subsection 6.04.2 Objectives to establish standards to administer said Section. L. Daley indicated this would codify the Planning Board authority for additional flexibility for parcels in the open space for subdivisions in town. It codifies the waiver process. J. Langdell said the Planning Board has reviewed this many times already, when she reviewed the e-mail, it did not have any additional changes. There were no other questions from the Board.

D. Knott opened the public hearing for comments or questions from the public. Hearing none, the public hearing was closed. J. Langdell would like two separate votes for the proposed zoning amendments. J. Langdell moved to post and publish this zoning amendment for the Town warrant in March 2018. J. Lafontaine seconded. All were in favor. Motion passed unanimously.

L. Daley explained the zoning ordinance amendments for definitions to further clarify home utilities; Amend Article IV: Definitions, by amending the definition for "Utility, public or private" to further clarify and define a privately owned utility. Previously there was some ambiguity in the language. This would allow for a company to create a facility to generate power for their home consumption and also for the public. It would change the definition by inserting some language and eliminate a portion of the sentence. After talking with Town Counsel, L. Daley's recommendation for the Planning Board, is to clarify this language. J. Langdell asked if this is for public utilities? L. Daley said public utilities are governed by the state PUC which is the regulating body to cover public utilities. There was not clarification of what is a private utility. D. Knott asked what is a private utility? L. Daley responded that it could be a private utility for a homeowner to create a solar farm for its own use. It was not clear what was allowed and not allowed. J. Langdell said if it was so difficult, how is it that Contemporary has a wonderful solar display on their roof? L. Daley responded that when that came in it was just under an electrical permit for a commercial use, it was not classified as a public utility. J. Langdell said if an industry wants to have solar for their own use, would this not change that? When Contemporary came in, we reviewed it as a commercial use, this language being proposed will capture that going forward. J. Langdell said this definition was changed in 2009; at that time there were recommendations relative to what was included in the zoning districts and a number of definitions. With Lincolns' help we were able to go back and look at some of that information.

At the last meeting Janet brought that up, this definition as it stands today as it appears on our zoning ordinance, it seems came from a staff recommendation. It seems at that time we were not thinking about commercial applications of energy generation, it was more a more traditional use of a utility. J. Langdell said she is uncomfortable today addressing a bigger question about the town's position on to support renewable energy facilities in town by doing a quick band-aid fashion. She wishes there were more complete information to present. D. Knott asked if this language would cause the Contemporary solar array to be a private facility under this and if so what would that mean? L. Daley said it would not make it a private facility part of the discussion on December 26, we talked about how to qualify this. What is a private renewable energy facility? This is a way to bridge that gap, for a bigger discussion that is needed to fully vet renewable energy systems. D. Knott asked what the difference is between a renewable energy system or facility? L. Daley said the definitions are defined in the state statutes which breaks it down to the categories and size. A facility is a certain amount of gigawatts which the state regulates. This would allow for an industry or company to produce energy based on the state requirements. D. Knott asked if we are seeing a trend?

L. Daley said we are seeing more opportunities for solar in the commercial and on residential properties. If a business or property owner can see savings, they want to take advantage of it and make it financially viable. D. Knott asked if the Contemporary system is no considered a solar facility? L. Daley said we are delving into specific language, this is meant to bridge that, to define a system or a facility. D. Knott is trying to understand the concern Janet has. J. Langdell said in 2010, there was not a lot of language in the RSA 674.30 which has not been changed since 2006. There have been a number of amendments made to the RSA since then. At that time staff found a revised definition, we need to update that language. Many other things have changed in the last few years; technology has moved a little faster than the town has. At the last meeting renewable energy was brought up, that information needs to be looked at. D. Knott asked how strongly L. Daley feels about having this on the 2018 warrant? L. Daley said the state statutes have expanded to emphasize renewable energy, it is important for us to provide opportunities in 2018 as we develop the detailed package to move forward with this and allow those opportunities. J. Langdell said there have been some inquiries relative to this type of activity which has prompted this discussion and allow for these opportunities.

K. Federico said the Planning Board is going back to the town with these amendments to keep up with the technology, this is a solid statement that would support the conversation from December 26 about how we are responding to renewable energy. By this language being put forward to the voters, we will need to have that conversation in 2018. J. Langdell said it needs to be a Planning Board goal and she wants to be sure the Board of Selectmen will support the staff time being spent on things such as this. K. Federico said he is one of five selectmen, but we are all in this together and trying to move forward together. S. Robinson indicated that Salt Lake City is really into renewable energy because of the bad smog out there. She feels it is important to have this discussion and take the time necessary to discuss. D. Knott said tonight we are just talking about this amendment. J. Langdell suggested this was brought to the Planning Board December 26 as a way to address some possibilities and have a deeper discussion in 2018 with additional modifications as needed to the zoning ordinance. S. Robinson asked if anyone is concerned with the change of language proposed? J. Langdell does not want to just have a band-aid amendment.

K. Federico said the change of the language is just opening the conversation of the possibilities. If the language is not changed, the discussion will not happen. The private companies are using these types of energy systems, the conversation needs to happen down the line. This language being put forward will open that conversation. J. Langdell wants to make sure the BOS supports the staff in looking at this. We could elect to do nothing tonight but have it as the number one priority for the Planning Board in 2018. Or we could move it to be on the ballot for a bridge to give some flexibility in the next 11 months to come up with a more in-depth iteration. S. Robinson thinks this is very important for the town to have cleaner air and it should be discussed. J. Langdell said it is how we will allow it; how will it be accomplished, how will we accomplish this? S. Robinson said even if it is privately owned, they will sell the energy back to the public. D. Knott that is not addressed in this language tonight. K. Federico stated that is not the issue

here and that is not always the case. Contemporary may only be using the energy to sustain themselves and not be selling it back. J. Lafontaine is comfortable with the language presented and agrees with Janet that it needs to be a top priority in 2018.

D. Knott opened the hearing for public comment. Hearing none, he closed the public hearing. D. Knott asked for a motion. K. Federico moved to post and publish this amendment on the 2018 warrant. J. Lafontaine seconded. Vote was unanimous, with S. Robinson abstaining. J. Langdell voted yes only because she believes it is only a bridge and will be the number one priority for the Planning Board by amending this language with support of staff and the Board of Selectmen. S. Robinson abstained because she feels it is not something we should vote on based on just this discussion.

4. Public Meeting:

Amend Subsection 6.04.8.B Dimensional Standards by replacing said subsection in its entirety to further clarify the dimensional standards for properties within the Open Space And Conservation District and the Board's authority to grant relief from said dimensional standards.

L. Daley explained the deeds and open space provisions for Autumn Oaks have been reviewed by the town and town counsel. There are two forms of open space easements. After one year of going back and forth on this, we finally have a deed that reflects the town portion of open space for Planning Board review and comment. Town Counsel has reviewed and had one comment on page 2, letter f. This is regarding the owner being able to maintain their own property which is owned by the town. L. Daley said a person who owns the property, can log their land and trim where it interferes with their view, people also want to maintain their view. People may want to re-create the view by maintaining trees on open space, or trimming brush. J. Langdell asked if the Conservation Commission has reviewed these plans? L. Daley indicated they are reviewing it at the Thursday meeting. Town Counsel would like it to say the owners should have the right to maintain their property. J. Langdell said it is open space that the town will own, there is no association. Normally the town does not go out to maintain the land. J. Langdell asked how someone would be able to support that it is not a consistent use of conservation land. L. Daley said the language does not establish a way to qualify it. D. Knott said it sounds like it is something that has to be issued. It should be the other way around. J. Langdell said conservation has to prove it with this language, it should be on the owner, not on conservation. S. Robinson asked who prepared this language? L. Daley said the developer and town counsel wrote it. S. Robinson thinks it is backwards. The onus should not be on the town, according to D. Knott. S. Robinson agreed it should not be on the town. J. Langdell wants to see what the Conservation Commission thinks. She asked if the open space lots connect with other town property? L. Daley suggested waiting to hear from Conservation and go from there. He also hopes that West Meadow will be heard Thursday. West Meadow has two conservation easements and open space areas, one is like Autumn Oaks.

It was agreed that the conservation easements on people's property would be managed and owned by the Conservation Commission. Having conservation regulate those areas would be a decision made by the Conservation Commission, it would be the Conservation Commission acting as the agent for people's properties. It puts the Conservation Commission in an awkward position as the regulating agent. S. Robinson asked if that actually happens? J. Langdell said the little strips behind the parcels would be owned and maintained by the town the way this is written now. We should not be going on people's properties or regulate the use of people's properties. L. Daley noted this is to avoid getting a waiver request. J. Langdell asked why the town would do this instead of looking at a waiver request. L. Daley indicated we are trying to avoid this from happening again. J. Langdell said the language we just moved to put forward is a section to take away or preclude this from happening again. Town Counsel is also reviewing this. The developer is trying to move forward as soon as possible.

Other upcoming projects: Spaulding Street subdivision, Gravel operation off Mason Road, Warehouse project. Also future discussions of renewable energy.

5. Adjournment

The meeting was adjourned at 7:20 p.m. on a motion made by K. Federico and seconded by J. Langdell. All were in favor.

Signature of the Chairperson/Vice-Chairman:

Date: _____

MINUTES OF THE 1/9/18 MEETING WERE APPROVED ON 2/27/18