Town of Milford
Zoning Board of Adjustment
APRIL 21, 2022
Public Hearings

Case #2022-04 Ryan and Lisa Retelle Revocable Trust, SPECIAL EXCEPTION Case #2022-05 Nicholas Calvetti and Amherst Label Realty, LLC, SPECIAL EXCEPTION

Present: Jason Plourde, Chair

Karin Lagro, Vice Chair Michael Thornton, Member Andrea Kokko-Chappell, Member Tracy Steel, Member (via Zoom)

Lincoln Daley, Director of Community Development

David Freel, BOS Representative

Not Present: Joan Dargie, Alternate

Jane Hesketh, Recording Clerk

Meeting Agenda

- 1. Call to Order
- 2. Public Hearing(s):
- a. Case #2022-04 Ryan and Lisa Retelle Revocable Trust for the property located at 11 Wildflower Way, Tax Map 53, Lot 35-35 are seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.7.C to allow the construction of a 68 foot tall, single, amateur radio station antenna structure on the subject property located in the Residential 'R' District.
- b. Case #2022-05 Nicholas Calvetti and Amherst Label Realty, LLC. for the property located Milford Tax Map 15, Lot 15, 15 Westchester Drive is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article VI, Section 6.02.6 to disturb approximately 7,410 square feet of wetland buffer area to allow the installation of a infiltration basin and related site improvements in the Industrial 'I' Zoning District. (Tabled 4/7/22)
- 3. Meeting Minutes: 3/3/22, 3/17/22
- 4. Other Business: TBD
- 5. Next Meeting: a. May 5, 2022 b. May 19, 2022

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1. CALL TO ORDER

Chair Plourde opened the meeting by welcoming everyone and introducing himself. He welcomed those attending in person and electronically since this meeting is being conducted in a unique manner.

He stated you may also attend this meeting in person at the Milford Town Hall, Board of Selectmen's Meeting Room with all Covid protocols in place.

If you would like to participate in the public meeting, please call this number from home: +1 646-558-8656 and enter the Meeting ID: 851 6407 7601 and Password: 269952 or log in via www.zoom.com using the Meeting ID and Password previously stated.

A digital copy of the meeting materials can be found on the Town website at: https://www.milford.nh.gov/zoning-boardadjustment/agenda/zba-agenda. We will also be live streaming the meeting on Granite Town Media, Government Channel 21: http://gtm.milford.nh.gov/CablecastPublicSite/watch/2?channel=2

He then went on to inform everyone about the procedures of the Board and then proceeded to the first case.

2. PUBLIC HEARINGS

- a. Case #2022-04 Ryan and Lisa Retelle Revocable Trust for the property located at 11 Wildflower Way, Tax Map 53, Lot 35-35 are seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article V, Section 5.04.7.C to allow the construction of a 68 foot tall, single, amateur radio station antenna structure on the subject property located in the Residential 'R' District.
- J. Plourde explained the original application was for a 56 foot tall tower but the height did not include the 12 foot antenna. Therefore, with the antenna, the height will be 68 feet. In view of this change, he is requesting this application be tabled until May 19, 2022 in order to allow the Town to properly advertise the correct height as well as schedule a site walk. This is to ensure the legal record is correct.
- M. Thornton pointed out there are various types of antennas which may need to be included in the application. J. Plourde stated this can be addressed during the site walk. L. Daley stated the equipment to be installed should be detailed in the application. M. Thornton requested pictures to be included as well.
- Applicant Ryan Retelle stepped forward to the microphone to clarify points on the original application. He stated that in addition to the 12 foot antenna, there will be another 10 ft. structure on top of the antenna. Therefore, the total height will be 78 ft.
- J. Plourde reiterated the request for a site walk.
- A date of May 4, 2022 at 5:30 was agreed upon. J. Plourde then asked for 2 motions from the board in regards to the site walk and a date for the next hearing of this case.
- M. Thornton made a motion to approve the date of May 4, 2022 at 5:30 p.m. for a site walk and K. Lagro seconded. All were in favor.
- M. Thornton made a motion to approve the tabling of Case #2022-04 to May 19, 2022 at 7:30 p.m. and K. Lagro seconded. All were in favor.
- J. Plourde moved to the next case.
- b. Case #2022-05 Nicholas Calvetti and Amherst Label Realty, LLC. for the property located Milford Tax Map 15, Lot 15, 15 Westchester Drive is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article VI, Section 6.02.6 to disturb approximately 7,410 square feet of wetland buffer area to allow the installation of a infiltration basin and related site improvements in the Industrial 'I' Zoning District. (Tabled 4/7/22)

MINUTES OF THE ZBA MEETING APRIL 21, 2022

J. Plourde stated this case was tabled at the last meeting to allow for 5 voting members to be present, provide the board with the opportunity for a site walk, and for Meridian Land Services to again touch base with the Conservation Commission to obtain their input on certain points of concern they had.

Sam Foisie from Meridian Land Services representing Amherst Label Realty, LLC, distributed additional information to the Board and L. Daley. He then stepped forward to present the application.

He stated the location of the property as shown in the application. He then went on to say the property is 6.6 acres and the project will involve 4 acres of this acreage. The existing use of the property is a 35,000 sq. ft. manufacturing and warehousing facility but it does not have a storm water management operation.

He explained the purpose of the project is to allow for the expansion of Amherst Label instead of having to relocate the entire facility. This expansion is to include storm water management. This is why he is presenting this application to the ZBA.

He reviewed the details of the filtration system. By using a schematic drawing in the application, he pointed out the location of the 2 water collection swales. He explained the only location to accommodate this is within the 50 ft. wetland buffer associated with Tucker Brook and the 25 ft. wetland buffer associated with the railroad/drainage ditch between Amherst Label and the railroad.

He went on to say that the proposed impact this project will have is allowed by RSA 482-A IV(b) which in essence states that railroad ditches and drainage ditches do not need a state permit to impact them. In addition, the proposed use is allowed by a recently voted in Milford Wetland Zoning Ordinance under Section 6.02.

S. Foisie continued by summarizing the impacts of the project on the wetland buffer areas and site He also described the parking proposal and the various alternatives that were considered for the expansion that included constructing and enhancing the storm water management for the existing portion of the developed property and proposed building addition. He stated that a letter from NH Natural Heritage Bureau was received indicating no threatened and endangered species.

He further explained the original thinking was that filtration would benefit Tucker Brook and, therefore, this improvement would offset the impact to the buffer. He did say the Conservation Commission supported the proposed stormwater improvements and added plantings/vegetations to help mitigate the site impacts. Wildlife impact was also addressed.

S. Foisie then brought up the memo of concerns from the Conservation Commission dated March 22, 2022 which listed 6 items. He stated the Commission (as much as they can) is in agreement with the answers given to them at the joint meeting on April 14, 2022. However, they have added additional requests (labeled #7-9) that were not discussed at the meeting with Meridian Land Services. He then read the additional items:

- MCC wants to have a Storm Water Management Plan included in the notes of the approved site plan.
- MCC wants a vegetative barrier installed to prevent trash from flowing into the filtration basin.
- MCC stated they did not see plans on Storm Water Maintenance (S. Foisie feels this means the Storm Water Management System and Maintenance Manual); MCC asked that notes be included regarding outside equipment, landscaping and other work debris are stored in the buffer in such a way as to not impede the movement of water across the landscape or inhibit wildlife in the area.

These additional concerns were discussed.

- S. Foisie read a detailed statement that covered the concerns regarding what needs to be included in the approved site plan. He will provide this statement to L. Daley. In addition, the Storm Water Management System and Maintenance Manual will provide all the details concerning operation and maintenance.
- S. Foisie went on to the second item of concern. He stated that being spring there is cleanup that needs to be done in the parking lot area of Amherst Label. Having said that, he emphasized that Amherst Label does regular cleanup of the grounds. Also, when the project is completed, all the dumpsters will be brought inside which should stop trash from being deposited outside. He also feels a vegetative barrier would not solve the problem. Discussion continued about this topic. It was explained the basin maintenance includes that this area be free of debris.

- J. Plourde said it makes sense with the dumpsters being inside as well as part of the maintenance plan to include a regular clean up debris
- J. Plourde asked L. Daley what he felt MCC was referring to regarding the trash. L. Daley responded that MCC wants to make sure the area is maintained properly and to minimize impact on the wildlife. He then stated the additional information and approval from MCC is very much appreciated. He said he is comfortable with this.

With regards to having a note on the site plan concerning storm water management, J. Plourde asked L. Daley about his thoughts on the matter and what the obligation is for the ZBA in view of this

Discussion continued about what will be included in the approved site plan, and what will be handled by the Planning Board which will, therefore, assist the ZBA in their deliberations.

- M. Thornton asked about the depth of the water basin. S. Foisie then went over the details of the water depth. He explained it is surface drainage. M. Thornton presented another option he is familiar with in regards to drainage. He asked about possible erosion. S. Foisie explained there are plans to protect against erosion and he went into detail about the process.
- L. Daley asked the applicant about alternative stormwater management designs that were considered for the developed portion of the site as well as for the proposed addition. S. Foisie, using a diagram, described the plans for other areas on the property. L. Daley asked about alternative plans that would reduce the impact to the buffers. S. Foisie went into detail about possible alternatives, i.e. the topography, elevation, etc. Discussions continued about filtration alternatives.
- J. Plourde stated he feels the MCC is referring to grass clippings that were seen at the site walk.
- S. Foisie read from a note he had from the NRCS (Natural Resource Conservation Service) that essentially states brush piles should remain for the wildlife. He expressed his feelings on this; he is not sure this means landscape debris should or should not be allowed in the buffer but there appears to be no harm if clippings are left. He does agree, however, no equipment should be left in the buffer. He then read another note he had and stated this should be included in the site plan but he is not sure where; "the remaining wetlands and wetland buffers to be managed and maintained in accordance with the applicable State Regulations and Milford Ordinances and Regulations". He believes this is the appropriate way to address this.

Further discussion continued on this subject. S. Foisie stated there will not be easy access for the landscapers to put debris into the buffer. Using the schematic drawing, S. Foisie showed where this would be.

He then presented the criteria for the Wetland and Wetland Buffer Impact under Section 6.02.6 of the Zoning Ordinance.

Wetland and Wetland Buffer Impact criteria under 6.02.6:

1. Has the need for the project been addressed?

The project is required by Amherst Label to stay and grow in the existing site.

- 2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers?
- S. Foisie stated he previously went over why this is the least impact and how they have mitigated for the impacts.

3. Has the impact on plants, fish and wildlife been addressed?

There will be no danger to plants, fish and wildlife. The water quality will be improved which will be a benefit. In addition, resources will be provided to minimize any impact and will provide cover for the habitat.

4. Has the impact on the quality and quantity of surface and ground waters been addressed?

The water quality will be improved by providing treated water vs. the currently untreated water.

5. Has the potential for increased flooding, erosion and sedimentation been addressed?

There does not appear to be a reason for a problem since it is a filtration system.

6. Has the cumulative impact if all parties owning or abutting the wetland were allowed to alter or impact the wetland buffer area in the same way?

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3. Has the impact on plants, fish and wildlife been addressed?

M. Thornton: this point is addressed by providing better quality water outside the property

7. Has the impact of the values and function of the overall wetland and wetland complex been addressed?

If all abutting parties were to provide the same improvement, this would be beneficial to the area by providing better

The functions of the wetlands are being improved by the quality of the water.

overall quality of water and less impact to the plants, fish and wildlife.

8. Has a comment from the Milford Conservation Commission been solicited?

Yes and a joint meeting.

S. Foisie stated he is here because of the wording regarding fill and removal of fill. He feels they have given all the information that can be given.

Chair Plourde asked if there were any questions from the board.

K. Lagro no; A. Kokko-Chappell no; T. Steel no; M. Thornton no; L. Daley no.

The public portion of the meeting was opened.

Hearing none and seeing none J. Plourde asked S. Foisie if he had anything further. M. Thornton asked about how the filtration water will be treated. S. Foisie then went into detail on the treatment process.

He pointed out that the Milford Regulations have not been established yet but, even so, these regulations will be surpassed with how the water will be treated.

- L. Daley brought up the criteria under Section 10.2.1 for the Special Exception, since it was not presented in detail, he wants to make sure the board is comfortable with this.
- J. Plourde stated that with the presentation of the criteria for the Wetland and Wetland Buffer Impact under Section 6.02.6 of the Zoning Ordinance, this covered the Special Exception criteria as well and will satisfy those 5 points.

Deliberations:

J. Plourde then moved to deliberations for the 5 Special Exception criteria under 10.02.1 and the 7 criteria for the Wetland and Wetland Buffer Impact under 6.02.6.

Before starting with the first criteria, J. Plourde emphasized that the need addresses the encroachment into the wetland buffer and not the need for the building expansion.

Wetland and Wetland Buffer Impact criteria under 6.02.6:

1. Has the need for the project been addressed?

- M. Thornton: if there was no need for a building expansion then there would be no need for encroachment. This will improve the quality of water.
- J. Plourde stated that the MCC went over this plan in detail with various meetings, site walks and written communications. He then brought up what the MCC stated in regards to the impact: with the western buffer impact the applicant reduced the size of the building expansion to ensure less impact to the buffer; with the southern buffer this will improve the functionality of the existing buffer.
- K. Lagro: nothing more to add
- T. Steel: nothing more to add
- A. Kokko-Chappell: nothing more to add

2. Is the plan proposed the least impactful to the wetlands, surface waters and/or associated buffers?

- K. Lagro: reducing the size of the building and providing vegetation will lessen the impact
- A. Kokko-Chappell: nothing more to add
- T. Steel: nothing more to add
- M. Thornton: agrees
- J. Plourde: no further comments

- A. Kokko-Chappell: appreciated the report from the state regarding wildlife; the site walk showed how impact will be lessened and the proposed new ground cover will lessen the impact

 K. Lagro: there is no impact that has not been addressed by the state and the MCC; maintenance plans will ensure the
 - K. Lagro: there is no impact that has not been addressed by the state and the MCC; maintenance plans will ensure the habitat will be protected.
 - L. Daley interjected by saying the applicant has been diligent in working with the MCC, and has modified the original plan in order to accommodate all concerns.
 - J. Plourde: agrees with what L. Daley stated. He then read points from the MCC memo dated 3/22/2022. He went on to say that all the concerns were addressed by the applicant which resulted in modifications to the original plan.
 - T. Steel: agrees with the points brought up, especially the fact that the existing vegetation will be returned to its original state.
 - J. Plourde then interjected by saying that for those outside the meeting; prior to the hearing tonight (4-21-2022), many hours of research and investigation has transpired regarding this project as well as a site walk. In addition, the detailed presentation by S. Foisie from Meridian Land Services provided essential information to the Zoning Board that will assist with the deliberations and voting.

4. Has the impact on the quality and quantity of surface and ground waters been addressed?

- A. Kokko-Chappell: during the site walk witnessed roof drains and the buffer; it showed how the quality of water will be considerably improved. The Manual addresses the continued upkeep of the Storm Water Management process.
- Therefore, she feels this point has been adequately addressed especially since currently there is no filtration or control on the quantity of water going into the buffer.
- J. Plourde: according to the MCC, the quantity of water will not be increased from the run off and this proposal will result in a higher functioning buffer.
- M. Thornton: by capturing all the run off from the property he does not see anything but improvements to what is there now
- T. Steel: it does appear great care has gone into making this better for the site
- K. Lagro: agrees, nothing more to add

5. Has the potential for increased flooding, erosion and sedimentation been addressed?

- K. Lagro: the area has been designed to take all these points into consideration; also there will be regular and periodic maintenance.
- M. Thornton: the ongoing maintenance addresses this
 - A. Kokko-Chappell: agrees
 - T. Steel: agrees
 J. Plourde: agrees

6. Has the cumulative impact if all parties owning or abutting the wetland were allowed to alter or impact the wetland buffer area in the same way?

- T. Steel: believes this has been addressed with the improvements; also the applicant has worked closely with the MCC and if abutters were to make this same change the result would be an improvement to existing conditions.
- A. Kokko-Chappell: agrees
- M. Thornton: agrees
- K. Lagro: the applicant worked with the MCC and made a serious effort to comply with all their concerns; she cited the rule ENV-W2141 2.04.
- J. Plourde: agrees

7. Has the impact of the values and function of the overall wetland and wetland complex been addressed?

- M. Thornton: the applicant addressed these points by mitigating improvement to the property
- A. Kokko-Chappell: agrees; she also cited that the MCC feels it will not affect the functionality of the Tucker Brook/Souhegan Water Shed.
- K. Lagro: she looks to the MCC for their experience and knowledge and agrees with what they stated about the functionality not being affected
- T. Steel: agrees
- J. Plourde: agrees; nothing more to add

8. Has a comment from the Milford Conservation Comm All stated yes; also, the applicant listened and incorporated a	
Special Exception Criteria 10.02.1:	
a. Criteria: proposed use is similar to those permitted in	the district
J. Plourde: in this district the wetland buffer is allowed;	
T. Steel: agrees	1
K. Lagro: agrees	
A. Kokko-Chappell: agrees	
M. Thornton: agrees	
b. Criteria: specific site is in an appropriate location for t	he proposed use
M. Thornton: all changes are on the existing site	
K. Lagro: topography shows this is the best place	
A. Kokko-Chappell: agrees; follows the natural path for	water flow
T. Steel: agrees	
c. Criteria: the use as developed will not adversely affect	the adjacent area
K. Lagro: no, it will make improvements.	
M. Thornton: agrees	
T. Steel: agrees	
A. Kokko-Chappell: agrees	
J. Plourde: agrees	
d. Criteria: no nuisance or serious hazard to vehicles or p	<u>oedestrians</u>
M. Thornton: there will not be any pedestrians or vehicl	es in this area
K. Lagro: agrees	
T. Steel: agrees	
A. Kokko-Chappell: agrees	
J. Plourde: agrees	
e. Criteria: adequate and appropriate facilities will be pr	ovided for proper operation of the proposed use
M. Thornton: the site is appropriate and water run-off ha	
K. Lagro the buffer within the buffer will accommodate	
A. Kokko-Chappell: agrees; in addition, the operations is	
T. Steel: agrees	
J. Plourde: agrees	
J. Plourde asked if there was anything that needed to be added be	fore moving ahead to the voting. Hearing none he moved
ahead to the voting.	to the voting the title voting. Heating home he moved
Su saial Europation	
Special Exception	
The ZBA voted on the 5 criteria under Special Exception 10.2.1:	
a. K. Lagro yes; M. Thornton yes; T. Steel yes; A. Kokko-Cl	nappell ves: Chair votes ves
b. M. Thornton yes; T. Steel yes; A. Kokko-Chappell yes; K	
c. T. Steel yes; A. Kokko-Chappell yes; K. Lagro yes; M. Th	
d. A. Kokko-Chappell yes; K. Lagro yes; M. Thornton yes;	7. Steel yes; Chair votes yes
e. K. Lagro yes; M. Thornton yes; T. Steel yes; A. Kokko-Cl	
Wetland and Wetland Buffer Impact	
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The ZBA voted on the 7 criteria under 6.02.6:	W. I Cl. '
a. M. Thornton yes; T. Steel yes; A. Kokko-Chappell yes;	
b. T. Steel yes; A. Kokko-Chappell yes; K. Lagro yes; M.c. K. Lagro yes; M. Thornton yes; T. Steel yes; A. Kokko-	
c. K. Lagro yes; M. Thornton yes; T. Steel yes; A. Kokko-d. A. Kokko-Channell yes; K. Lagro yes; M. Thornton yes	

- e. M. Thornton yes; T. Steel yes; A. Kokko-Chappell yes; K. Lagro yes; Chair votes yes
- T. Steel yes; A. Kokko-Chappell yes; K. Lagro yes; M. Thornton yes; Chair votes yes
- g. A. Kokko-Chappell yes; K. Lagro yes; M. Thornton yes; T. Steel yes; Chair votes yes

Is the Special Exception allowed by the Ordinance?

K. Lagro yes; M. Thornton yes; T. Steel yes; A. Kokko-Chappell yes; Chair votes yes

Are all the specified conditions present under which the Special Exception may be granted?

M. Thornton yes; T. Steel yes; A. Kokko-Chappell yes; K. Lagro yes; Chair votes yes

Chair Plourde asked if there is a motion to approve Case #2022-05 Nicholas Calvetti and Amherst Label Realty, LLC. for the property located Milford Tax Map 15, Lot 15, 15 Westchester Drive is seeking a SPECIAL EXCEPTION from the Milford Zoning Ordinance, Article VI, Section 6.02.6 to disturb approximately 7,410 square feet of wetland buffer area to allow the installation of a infiltration basin and related site improvements in the Industrial 'I' Zoning District.

M. Thornton made a motion to approve Case #2022-05 and T. Steel seconded.

J. Plourde: A motion has been made to approve Case #2022-05. Those in favor: M. Thornton yes; T. Steel yes; A. Kokko-Chappell yes; K. Lagro yes; Chair votes yes

Chair Plourde stated the criteria for the Special Exception request had been satisfied and the application approved. There is a 30 day appeal period that can be filed with the Zoning Board.

3. MEETING MINUTES

3/3/2022:

No further changes recommended

T. Steel made a motion to approve minutes from March 3, 2022 and K. Lagro seconded.

privacy was acknowledged as a good point and needs to be researched.

All were in agreement.

3/17/2022:

K. Lagro: p. 51 line 2 change preset to present

shown. There was talk about editing.

No further changes recommended

K. Lagro made a motion to approve minutes from March 17, 2022 as amended and T. Steel seconded.

Questions were raised about how many on the board need to attend the site walk. It was agreed 3 should attend.

The subject about videotaping the site walks was brought up. M. Thornton feels site walks should be taped so the public

that cannot attend can view them after the fact. Concerns were expressed about privacy rights should abutting sites be

GTM came forward to the microphone and stated that editing cannot be done for public meetings. The concern about

Discussions continued about this topic and it is felt this is just a first step. Various points and scenarios were brought up.

Again, however, it is agreed research needs to be done regarding privacy, permission requirements, liabilities, etc.

All were in agreement.

4. OTHER BUSINESS

 Motion to Adjourn

Chair Plourde asked if there was anything else. M. Thornton made a motion to adjourn and T. Steel seconded. All Board Members were in agreement. Meeting adjourned.

MINUTES OF THE ZBA MEETING APRIL 21, 2022

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3	Motion to Approve:	_
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5	Seconded:	_
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