

## 5:30 - Swearing in of New Selectmen/Selection of New Board of Selectmen, Chairman and Vice Chairman

### New Selectman/Re-appointed Selectman procedure:

1. Administrator John Shannon calls BOS meeting to order and leads the audience in the Pledge of Allegiance. Administrator Shannon notes that those people in the audience who want to speak or add to the discussion should please use a microphone in order to be heard on the PEG Access live broadcast.
2. Administrator Shannon introduces the Board members to include the recently elected board members, **Gary Daniels and Paul Dargie**, and conducts the nomination for officers. Appointments:
  - a. Administrator Shannon asks for nominations for Chairman. After the Chairman is nominated, the Town Administrator steps down and hands the gavel to the Chairman to continue.
  - b. The Chairman then asks for nominations for Vice Chairman for this coming year.

Chairman \_\_\_\_\_ declared that an emergency exists and he was invoking the provisions of RSA 91-A: 2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to the community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, he also finds that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted with some members participating via Zoom and some members attending in person. Information for accessing this meeting can be found on the Town website in the red banner.

Chairman \_\_\_\_\_ welcomed members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct

and decorum apply. Public comments will be limited to five minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that person will be removed from the meeting.

All votes that are taken during this meeting must be done by Roll Call vote. Members who called in from home were asked to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

**5:40 Approval of Four (4) Land Use Change Tax Warrants - Assessing Director, Marti Noel**

MEMORANDUM

DATE: March 22, 2021

TO: Board of Selectmen

CC: John Shannon

FROM: Marti Noel, Assessor

**RE: Land Use Change Tax (LUCT) for 4 parcels:**

**Map 45 Lot 3-33**

**Map 51 Lot 23-1**

**Map 51 Lot 23-3**

**Map 53 Lot 31**

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The first 4 parcels have been disturbed for construction of a new home. Construction on land in Current Use requires the affected areas to be removed from Current Use and a Land Use Change Tax Warrant be issued.

All of the property owners are aware of the action being taken tonight regarding their property.

The Land Use Change Tax is based on 10% of estimated market value of the affected area at the time of removal from Current Use.

The application must have original signatures as it is to be recorded at the Hillsborough County Registry of Deeds.

Thank You

**5:45 Approval of One (1) Land Use Change Tax Warrant and One (1) Intent to Excavate (2020/2021 tax year) - Assessing Director, Marti Noel.**

MEMORANDUM

DATE: March 22, 2021

TO: Board of Selectmen

CC: John Shannon

FROM: Marti Noel, Assessor

RE: **Land Use Change Tax (LUCT) and Intent to Excavate (2020/2021 tax year)  
Map 3 Lot 12**

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**LUCT:** There has been some controversy regarding this parcel. To date, the excavation has not received the required 155:E permit in order to operate a gravel / earth materials operation.

The 155:E request was presented to the Planning Board at their March 16 meeting, but no decision was reached and the 155:E application has not been approved. Unfortunately, the property owner acted without approvals in place. As a result, some of the land has been disturbed, removal of gravel/earth materials having been started. They have been issued a cease and desist order until all necessary approvals and permits are issued.

In addition, there is an area of land which is being disturbed for a large greenhouse on the property.

All the disturbed area must be removed from Current Use as required by statute. At this time, the area is estimated to be 1 acre for the building and curtilage, and 1 acre for the disturbed gravel / earth materials operation.

**INTENT TO EXCAVATE:** The property owners have submitted an Intent to Excavate for the materials already removed from the site. This is for the tax year of April 1, 2020 through March 31, 2021. This is to account for materials that have already been removed, and is not to be interpreted as overriding the 155:E application and process. As noted previously, a cease and desist order has been placed on any further removal of earth materials until all approvals have been processed and granted.

Although typically the intent to excavate is addressed on the consent calendar, this particular application required an explanation that would remain a part of the record.

Thank You

**5:50 Abatements, Approval of Five (5) and Denial of One (1) - Assessing Director, Marti Noel**

MEMORANDUM

DATE: March 22, 2021

TO: Board of Selectmen

CC: John Shannon

FROM: Marti Noel, Assessor

RE: **2020 Property Abatement Applications  
Recommendations for Approval – 5  
Recommendations for Denial - 1**

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**Property Abatement Application:**

As a refresher on the Abatement process, if a property owner feels their assessment is incorrect or inequitable, an abatement application may be submitted to the assessing office between the date the final tax bill is mailed and March 1<sup>st</sup> of the following year. The deadline for filing for abatement for the 2020 tax year is March 1, 2021.

The deadline for response by the municipality to all abatements timely filed is July 1. If no decision has been made, the abatement is to be considered to have been denied, and the Appellants may begin filing for appeal at the state level, either the BTLA or Superior Court.

**FOR APPROVAL:** Of the Abatements presented tonight 5 are submitted for **approval**. Abatement # 2002 involves multiple (4) years of back-taxes. The property is a manufactured home in a manufactured home park where the owner has passed away, leaving several years of taxes unpaid. The park owners have obtained ownership of the manufactured home in 2020 and have requested the back taxes in the name of the previous owner be forgiven. The park owner has begun to pay taxes on the mobile home since it has been in their name.

Abatement #2004 had a structure removed prior to April 1, and as such, the structure should not have been taxed for the 2020 tax year. The property owners did correctly comply with a demolition permit; it simply was missed by this office. This abatement is to rectify the billing error.

**I recommend the Board Approve the 5 abatements recommended for approval as presented tonight.**

**FOR DENIAL:** Abatement #2003 was a request for hardship abatement. Instructions for the hardship abatement require the property owner to demonstrate why there is no

other recourse for payment of taxes other than abatement. In this instance, the owner claimed lack of resources to pay property taxes for 2020 on a home with 14 acres of land and over 400 feet of road frontage. In review, it was noted that this parcel has adequate acreage and frontage to explore subdivision in order to create additional building lot(s) from their excess land. In addition, the property owner had failed to disclose that they own a second, separate parcel of land, 1 acre in size (a pre-existing grandfathered lot adjacent to the first parcel) which could be sold to raise the monies to pay taxes. Finally, all but the 1.04 acres home site is in Current Use, categorized as Forest/White Pine. A timber cut could be conducted to raise the monies for taxes. In short, the property owner has resources and assets available at hand to raise tax money without requiring their tax burden fall on all other tax payers. I recommend the Board **deny** this request.

The owners of the properties whose abatements are being considered tonight have been notified of my recommendations and reasoning, and were informed the BOS would be considering their requests tonight. They have been offered the opportunity to address the Board directly.

Thank You

TY 2020 Abatement Recommendations							3/22/2021			
App #	Map/ Lot	Address	Property Owner Request	Requested Value	Recommend	Reason	Letter Sent	2019 Assessed Value	Adjusted Assessed Value	Abatement Amount @ \$25.37 rate
2002	47/36-M-24	111 Old Brookline Rd #24	Estate of Daniel Lang	4 Years back taxes	Approve	The property owner passed away leaving unpaid taxes from 2016 through part of 2019.	N/A	2016 2017 2018 2019	1,576.05 1,598.91 1,591.97 835.83	5,602.66
2004	19/13	150 Elm St	Demolition of structures occurred prior to 4/1/2021	66,200	Approve	The structures were removed prior to 4/1/2020, but inadvertently remained on the record and taxed.	2/25/2021	204,400	66,200	3,506.13
2003	52/93	33 Ruonala Rd	Requests Hardship Abatement		Deny	The property owner has available assets which can be used to cover the taxes owed.	2/25/2020	230,900	230,900	0.00
										-
										-
										-
						Total Amount of Abatement Recommended for Approval this Session				9,108.79
						Total from prior granted 2020 Abatements				
						Appeals Settled in 2021				
						Total				9,108.79

**5:55 Discharge of Off-Site Engineering Study & Construction Cost  
Improvement - Community Development Director, Lincoln Daley  
and Attorney Patrick C. McHugh, Esq.**

McHugh Consulting and Legal Services, PLLC  
20 Winter Drive  
Hooksett, NH 03106  
603.591.5465  
Patbccu2@Gmail.com

March 16, 2021

*Via Electronic Submission*

Town of Milford  
Board of Selectmen  
C/o John Shannon, Town Manager  
1 Union Square  
Milford, NH 03055

**RE: Discharge of Off-Site Engineering Study and Construction Costs Improvement  
Agreement between the Town of Milford and Frank P. Crivello dated November 9, 1987,  
Related to the Development of Lordens Plaza**

Dear Mr. Shannon,

As you know, my client St. Mary's Bank is set to acquire during the week of March 22 a portion of Lordens Plaza formerly occupied by People's United Bank. Lordens Plaza is located at 586 Nashua Street in Milford (the "Property"). St. Mary's has acquired all necessary development approvals from the Town of Milford Planning Board, with the last meeting being held on February 16, 2021, whereby the Board granted major site plan approval for St. Mary's redevelopment of the bank building. The Board previously had granted minor subdivision approval on January 19, 2021, for the subdivision of the proposed St. Mary's lot from Lordens Plaza.

On behalf of St. Mary's Bank and B33 Lordens Plaza LLC (the current owner of the plaza and, collectively with St. Mary's Bank, the "parties"), we respectfully request that the Board assist with the clearing of a title issue to the Property. In 1987, the then developer of the plaza, Mr. Frank Crivello and the Town entered into the above referenced Off-Site Engineering Study and Construction Costs Improvement Agreement (the "Engineering Agreement"). A copy of that Engineering Agreement is attached hereto as Appendix A. The "Whereas" clauses provide the history of how the Town came to enter into the agreement. In summary, the Planning Board had a concern with the proximity of the proposed shopping center to the Town's wastewater treatment facility. The Planning Board and Mr. Crivello agreed to enter into the Engineering Agreement to divide the cost of undertaking a study of any potential odor problems and the remediation of any resulting recommendations from that study. The Engineering Agreement lists Mr. Crivello's fair share of such costs as not-to-exceed Seventy-Five Thousand Dollars (\$75,000.00).

The Engineering Agreement was recorded with the Hillsborough County registry of Deeds at Book 4538, Page 0119, as a lien against the Property. The parties never caused a discharge to be filed with the Registry of Deeds. The undersigned has had multiple communications with the Town's Community Development Director, Lincoln Daley, regarding the lack of a discharge of the Engineering Agreement. Mr. Daley has performed an exhaustive search for documentation in the Town's records of the status of the underlying study and any remedial improvements made to the wastewater treatment facility, but there



Town of Milford  
Board of Selectmen  
C/o John Shannon, Town Manager

March 16, 2021

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are no such records. In all likelihood, however, Mr. Crivello and the Town fulfilled their respective obligations as the shopping center has been developed and remodeled since its inception. The parties believe that Lordens Plaza currently is fully compliant with all Town permits and applicable ordinances.

As St. Mary's has conducted its due diligence with respect to Lordens Plaza and prepares to close on the acquisition of the subdivided lot, its title insurer – First American Title Insurance Company – has requested that the title issue caused by the existence of the now thirty-four (34) year old lien be cleared (if possible). The parties therefore respectfully request that the Board consider (i) the approval of a resolution agreeing to the discharge of the Engineering Agreement and (ii) executing a Discharge of the agreement. The parties hereby submit the proposed resolution for the Board's consideration as Appendix B and the Discharge of the Engineering Agreement as Appendix C.

I would be happy to attend the next Selectmen's meeting to address any questions. In the meantime, please do not hesitate to contact me regarding this information.

Very truly yours,

Patrick C. McHugh, Esq.

Cc: Lincoln Daley, Community Development Director  
Genniveve Ramsey, Esq., Bridge33 Capital  
Ronald H. Covey, Jr., CEO, St. Mary's Bank

## **APPENDIX A**

**Off-Site Engineering Study and Construction Costs Improvement Agreement  
between the Town of Milford and Frank P. Crivello dated November 9, 1987**

## APPENDIX B

### BOARD OF SELECTMEN RESOLUTION

WHEREAS, the Board of Selectmen of the Town of Milford (the "Town") has considered the request of St. Mary's Bank and B33 Lordens Plaza LLC (the "parties") to agree to the discharge of that certain Off-Site Engineering Study and Construction Costs Improvement Agreement between the Town of Milford and Frank P. Crivello dated November 9, 1987 (the "Agreement"), recorded in the Hillsborough County Registry of Deeds at book 4538, page 0119; and

WHEREAS, the parties have represented that the Agreement, as recorded with the Registry of Deeds, has caused a continuing title defect against the property in the Town now known as Lordens Plaza, the address of which is 586 Nashua Street, Milford, New Hampshire 03055 (the "Property"); and

WHEREAS, the parties have represented that First American Title Insurance Company has requested that the Board of Selectmen execute a discharge of the Agreement for filing with the Registry of Deeds to clear said title defect; and

WHEREAS, the Board believes that in all likelihood the conditions and requirements set forth in the Agreement have been satisfied considering the state of development of the Property and the underlying compliance with applicable Town ordinances and approvals related to the Property; and

NOW, THEREFORE, be it resolved that:

1. The Board agrees it is in the best interests of the Town to discharge the lien against the Property caused by the Agreement; and
2. The Board approves of the form of the Discharge of the Agreement provided by the parties; and
3. The Board hereby authorizes its members to execute the Discharge and allow the parties to file said Discharge with the Hillsborough County registry of Deeds.

**TOWN OF MILFORD**  
by its Board of Selectman

By: \_\_\_\_\_  
Gary Daniels, Chairman

By: \_\_\_\_\_  
Paul Dargie, Vice Chairman

By: \_\_\_\_\_  
Laura Dudziak, Member

By: \_\_\_\_\_  
Chris Labonte, Member

By: \_\_\_\_\_  
Dave Freel, Member

**APPENDIX C**

**FORM OF DISCHARGE**

**For recorder's use:**

Recording Fee: \$ \_\_\_\_\_

eFiling Fee: **\$4.50**

Return to:

Devine, Millimet & Branch

Attn.: amw/SB

111 Amherst Street

Manchester, NH 03101

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**DISCHARGE**

The **TOWN OF MILFORD**, a municipal corporation with an address of Town Hall, 1 Union Square, Milford, New Hampshire 03055, holder of the Off-Site Engineering Study and Construction Costs Improvement Agreement between the **TOWN OF MILFORD** and **FRANK P. CRIVELLO** dated November 9, 1987, and recorded with the Hillsborough County Registry of Deeds at Book 4538, Page 119 (the "Agreement"), hereby acknowledges satisfaction of the terms, conditions and obligations of said Agreement and hereby discharges the lien of the Agreement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CONTINUE TO DISCHARGE SIGNATURE PAGES

**TOWN OF MILFORD**  
**by its Board of Selectman**

By: \_\_\_\_\_  
Gary Daniels, Chairman

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by **Gary Daniels**, Chairman of the Board of Selectmen for the Town of Milford, for the purposes herein intended.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Print Name:  
My commission expires:  
Attach seal

By: \_\_\_\_\_  
Paul Dargie, Vice Chairman

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by **Paul Dargie**, Vice Chairman of the Board of Selectmen for the Town of Milford, for the purposes herein intended.

\_\_\_\_\_  
Notary Public/Justice of the Peace \_\_\_\_\_  
Print Name:  
My commission expires:  
Attach seal



By: \_\_\_\_\_  
Laura Dudziak, Member

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by **Laura Dudziak**, Member of the Board of Selectmen for the Town of Milford, for the purposes herein intended.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Print Name:  
My commission expires: \_\_\_\_\_  
Attach seal

By: \_\_\_\_\_  
Chris Labonte, Member

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by **Chris Labonte**, Member of the Board of Selectmen for the Town of Milford, for the purposes herein intended.

\_\_\_\_\_  
Notary Public/Justice of the Peace

Print Name: \_\_\_\_\_

My commission expires:

Attach seal

By: \_\_\_\_\_  
Dave Freel, Member

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by **Dave Freel**, Member of the Board of Selectmen for the Town of Milford, for the purposes herein intended.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Attach seal

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786338

Dec 10 12 28 PM '87

OFF-SITE ENGINEERING STUDY  
AND  
CONSTRUCTION COSTS IMPROVEMENT  
AGREEMENT

THIS AGREEMENT made this 9th day of November, 1987, by and between the TOWN OF MILFORD, a municipal corporation, with offices in Town Hall, Milford, County of Hillsborough and State of New Hampshire (hereinafter referred to as "The Town") and FRANK P. CRIVELLO, of 1818 North Farwell Street, Milwaukee, Wisconsin 53202, (hereinafter referred to as "The Developer");

WHEREAS, The Developer has proposed to acquire and develop certain tract or tracts of land in Milford generally identified as The Lorden Lumber property located on the northside of New Hampshire Route 101-A and on the southside of Railroad Right-of-Way, now or formerly owned by the Boston and Maine Railroads (hereinafter "The Premises"); and

WHEREAS, The Developer has presented a plan indicating said development for the purpose of the construction of a shopping center which will include a Shaw's Supermarket and said plan has been presented to the Planning Board of the Town of Milford which has jurisdiction to oversee and approve non-residential site plans such as this; and

WHEREAS, The Town of Milford Planning Board has approved said plan with certain conditions; and

WHEREAS, The development proposed by The Developer is contemplated to be located in an area immediately adjacent to the Town of Milford's present location of the Municipal Waste Water Treatment Facility; and

WHEREAS, One of the concerns which the Planning Board indicated in its hearings relative to the proposal being put forth by The

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PAGE (2)

Developer was the fact that the proposed project's proximity to the Waste Water Treatment Facility could expose persons using the facility to obnoxious odors on those occasions when the same were evident from the Waste Water Treatment Plant's operations and this was one of the concerns which the Planning Board had during the process in which The Developer applicant was attempting to obtain permission for a commercial operation in an area of The Town that was reserved for industrial use; and

**WHEREAS,**

The Town and The Developer have come to an agreement with respect to a potential study of the odor problem as well as the investigation of measures calculated to control the odor and The Developer has agreed to share in the cost of the studies as well as the cost of any corrective work that may be undertaken.

**NOW THEREFORE,** This Agreement by and between the Town of Milford and The Developer is as follows:

- 1) The Town will establish an interest bearing escrow account entitled "MILFORD WASTE WATER PLANT ODOR CONTROL ACCOUNT", and
- 2) The parties acknowledge that an engineering study has been done by the Town's Engineering firm which had been undertaken to study the question of obnoxious odors resulting from the town's processing, treating and handling of waste water and resulting by-products at the Milford Waste Water Treatment Plant and, further to recommend appropriate corrective measures to deal with the issue; and
- 3) The Selectmen will make a recommendation to the 1988 Town Meeting after the study is completed to undertake to carry out the corrective measures recommended in said study in an attempt to alleviate any odor problems that are identified in the study; and
- 4) The Developer agrees to pay an appropriate fair share of the cost of the study as well as the resultant improvements, if any, and the parties hereto agree that The Developer's share for said contribution shall not exceed Seventy Five Thousand and 00/100ths (\$75,000.) Dollars which will be paid in installments as follows:

WILLIAM R. DRESBACH - PROFESSIONAL ASSOCIATION - ATTORNEYS AT LAW  
18 FLEM STREET - MILFORD, NEW HAMPSHIRE, 03055

84538 P60120

PAGE (3)

- a.) At the time that the engineering study is completed - Six Thousand Five Hundred and 00/100ths (\$6,500.) Dollars.
- b.) At the time a bona fide contract is let by The Town or when the town commences work to rectify the odor problems - Thirty One Thousand and 00/100ths (\$31,000.00) Dollars.
- c.) At the time the corrective work is completed - Thirty Seven Thousand Five Hundred and 00/100ths (\$37,500.) Dollars.

Any amounts paid hereunder shall be provided directly to the Town Treasurer to offset the expense to which the payment applies or, alternatively, if it has not been incurred, then the same shall be paid into the escrow account referred to above to be held until such time as the payment is due.

5) In the event that The Town fails to undertake to authorize the engineering study, or the subsequent corrective measures, if any, then the payment due by The Developer for such unauthorized action shall not become due although The Town shall not be deemed to have failed to undertake in the same until the proposal to conduct the study or to carry out the corrective measure has failed at at least two (2) successive annual or special Town Meetings at which the matter was properly presented.

6) The Developer agrees:

- a) Not to bring or assert any claims against the Town of Milford, and;
- b) To hold the Town of Milford harmless from any and all claims of or by said developer's heirs, successors and assigns and the tenants or occupants of the shopping center;

relating to the existing odor problem at the Milford Waste Water Treatment Plant for a period of one (1) year from the start of construction of the shopping center;

7) At the sole option of the Town of Milford, the original of this agreement may be recorded in the Hillsborough County Registry of Deeds.

8) This agreement shall be binding upon the successors

and assigns of The Developer and shall inure the benefit of the Town of Milford and its statutory successors if any.

9) The parties understand that the above-named developer does not own the premises in question at the time of the execution of this agreement but said premises are the subject of a closing in escrow between the present owner and the developer and the within agreement is contingent upon the completion of the transaction contemplated by the closing in escrow which is contemplated to be completed on January 20, 1988, failing which this agreement shall be null and void on receipt of written notice from the developer as to the failure to complete the underlying purchase transaction. In the event that the developer avails itself of this contingency or for any reason fails to complete the underlying transaction the same shall not effect in any way any requirement of the Planning Board to enter into a similar agreement with any other future developer or owner of the within tract who may seek permission to complete the subject project.

[Signature]  
Witness  
[Signature]  
Witness  
[Signature]  
Witness  
[Signature]  
Witness  
[Signature]  
Witness

THE TOWN OF MILFORD  
BY ITS BOARD OF SELECTMEN  
By: [Signature]  
By: [Signature]  
By: [Signature]  
By: [Signature]  
By: [Signature]

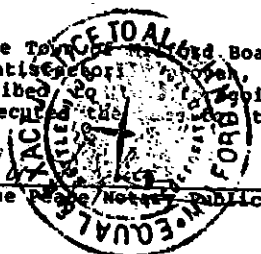
DEVELOPER  
By: [Signature]  
FRANK P. CRIVELLO  
Witness \_\_\_\_\_

814538 P60122

STATE OF NEW HAMPSHIRE  
COUNTY OF HILLSBOROUGH, SS.

Before Me, personally appeared The Town Board of Selectmen, each one known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

*Michael J. ...*  
Justice of the Peace/Notary Public



STATE OF WISCONSIN  
COUNTY OF Milwaukee, SS.

Before Me, personally appeared FRANK P. CRIVELLO, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

*Joseph M. ...*  
Justice of the Peace/Notary Public



NP-3:1.17

1149538 PG0123

BK 41538 PG 0123



**4. a) 1 Approval to re-appoint Nick Darchick and Wade Scott Campbell as Full Members of the Traffic Safety Committee - Terms expire 2023**

**4. a) 2) Approval to re-appoint Dave Wheeler and Jason Plourde as Full Members of the Traffic Safety Committee - Terms expire 2024**

March 9, 2021

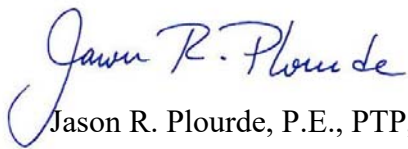
Mr. Gary Daniels  
Chairman, Board of Selectmen  
Town of Milford  
1 Union Square  
Milford, NH 03055

Chairman Daniels:

As Chair of the Milford Traffic Safety Advisory Committee, I would like for you and fellow Board of Selectmen members to strongly consider allowing Mr. Wade Scott Campbell, Mr. Nick Darchik, and Mr. Dave Wheeler to serve another term with our Committee. The commitment these individuals have shown to our community is greatly appreciated. In addition to these three gentlemen, my term is also expiring this month. Would you please consider allowing me to serve for another term with the Traffic Safety Advisory Committee?

In order to not have the terms of more than two members expire in the same year, would you please also consider allowing Mr. Campbell and Mr. Darchik's terms to expire in 2023 and Mr. Wheeler and my terms to expire in 2024? The term of our fifth member (Mr. Gil Archambault) is scheduled to expire in 2022.

Sincerely,



Jason R. Plourde, P.E., PTP, LPA  
Chair, Traffic Safety Advisory Committee

4. a) 3) Approval to re-appoint George Hoyt and Kathy Fay-Chancy as Full Members of the Recycling/  
Solid Waste Committee - Terms expire 2024

## Town of Milford NH Recycling & Solid Waste Committee

March 2, 2021

To Whom It May Concern,

The Milford Recycling & Solid Waste Committee would like to request that Kathy Fay and George Hoyt be reappointed to the Committee for another term.

George Hoyt

50 Hayden Ln Unit 3, Milford NH 03055

georgehoyt98@outlook.com

Kathy Fay 10 Trevor Court, Milford, NH 03055

kkj1017@gmail.com

Feel free to contact me if you have any questions. Thank you.

Sincerely,

Celeste Barr, Chair

Kathy Fay

kkj1017@gmail.com

George Hoyt

ghoyt98@outlook.com

# TOWN OF MILFORD

**Office of Community Development**  
Planning • Zoning • Building Safety • Code Enforcement • Health  
Economic Development • Active Projects



**Date:** March 18, 2021

**To:** Board of Selectmen

**From:** Lincoln Daley, Community Development Director

**Subject:** Issuance of Building Permit to Construct a Single-Family Residence  
San-Ken – Tax Map 53, Lot 31, 369 Ponemah Hill Road.

The purpose of this memorandum is to discuss the potential issuance of a building permit pursuant to RSA 674:41 for a lot of record that does not meet the minimum frontage on a Class V roadway or better in the Residential 'R' District. In accordance with the RSA, the Board of Selectmen, after review and comment from the Planning Board, is required to vote to authorize the issuance of a building permit for the erection of the single-family residence on the Tax Map 53, Lot 31, 369 Ponemah Hill Road. The property will be accessed via the existing 10 feet of frontage located on Ponemah Hill Road.

The applicant, San-Ken, appeared before the Board of Adjustment on November 5, 2020 and received a Variance from the Milford Zoning Ordinance, Article V, Section 5.04.4.A to permit the construction of a single-family residence on the subject lot, with less than the minimum required frontage (200') on a principle route of access on a Class V road or better in the Residential 'R' District. See attached November 5, 2020 ZBA decision.

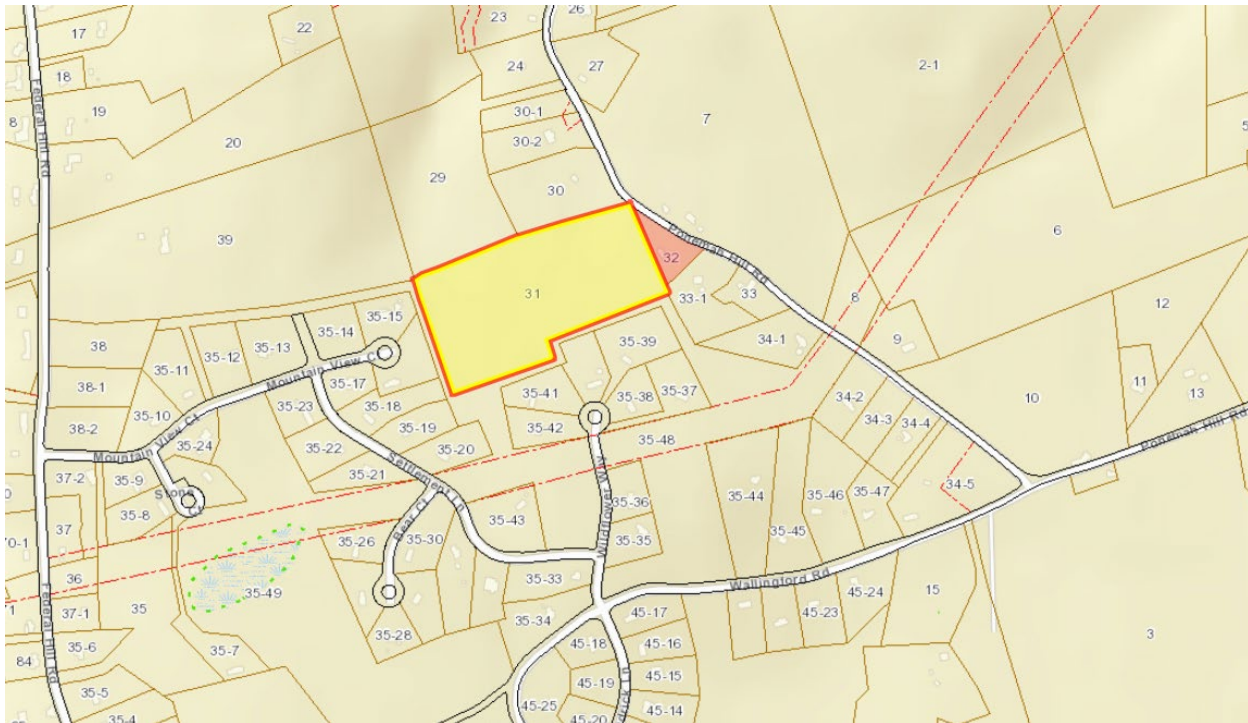
In accordance with the rules of RSA 674:41.I.d, the Planning Board held a public meeting on March 16, 2021 to discuss the authorization of the building permit and the private driveway access. The applicant presented their interest in building the single-family residence on the 13.5 acre undeveloped parcel and access to the property through the existing 10 feet of frontage on Ponemah Hill Road. The applicant understood that the owner of the property would be solely responsible for the maintenance of the private road/driveway and be required to sign a written, recorded agreement with the BOS absolving the Town of all responsibility and liability for the private road/driveway and access to the lot. See attached Stipulation and Release Agreement for your review and signature.

At that public meeting, the Planning Board unanimously recommended that the Board of Selectmen authorize the Building Permit and that the applicant be permitted to construct the single-family residence on the subject lot.

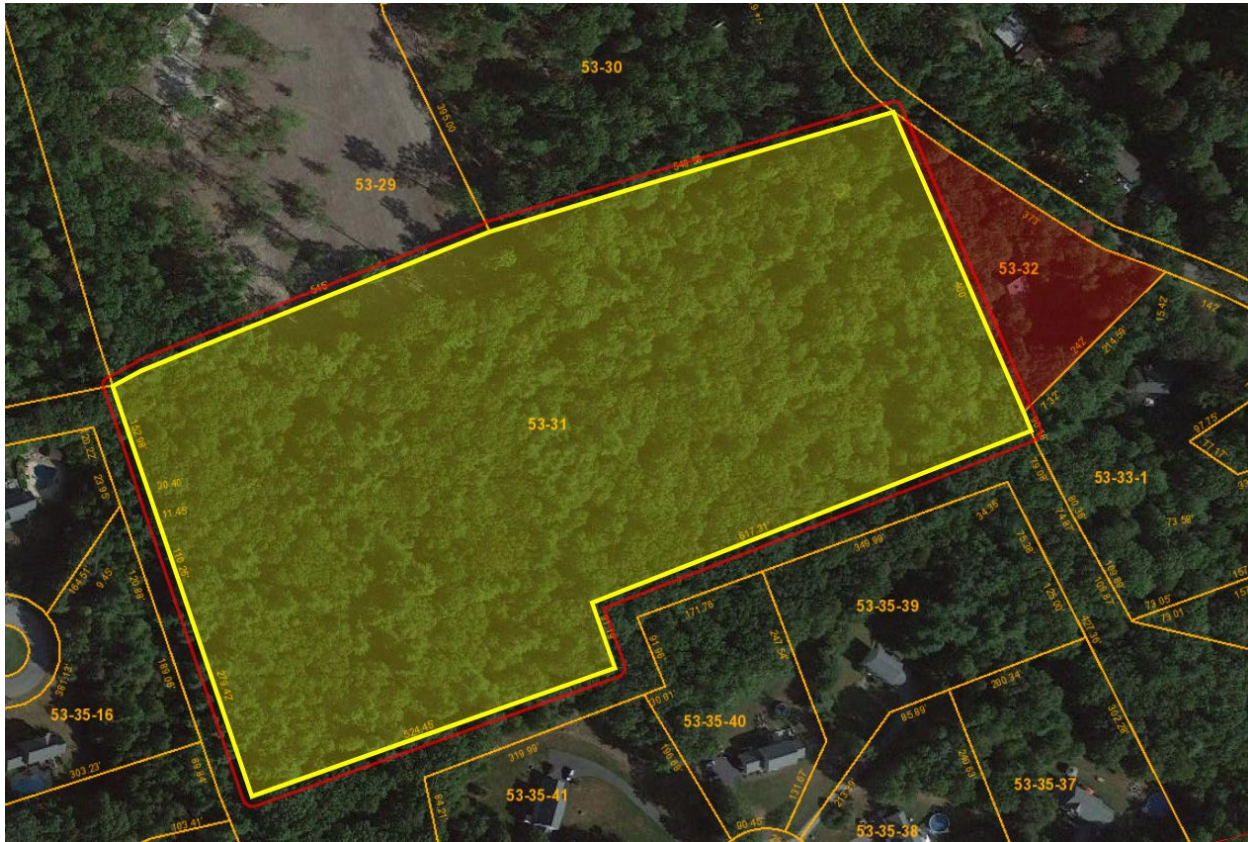
## **Recommendation:**

Following the recommendation of the Planning Board, Staff recommends that the Board of Selectmen authorize the issuance a building permit subject and the recordation of executed Stipulation and Release Agreement by the Board members and San-Ken Homes Inc.

## Tax Map of Subject Property



## Aerial Photograph of Subject Property



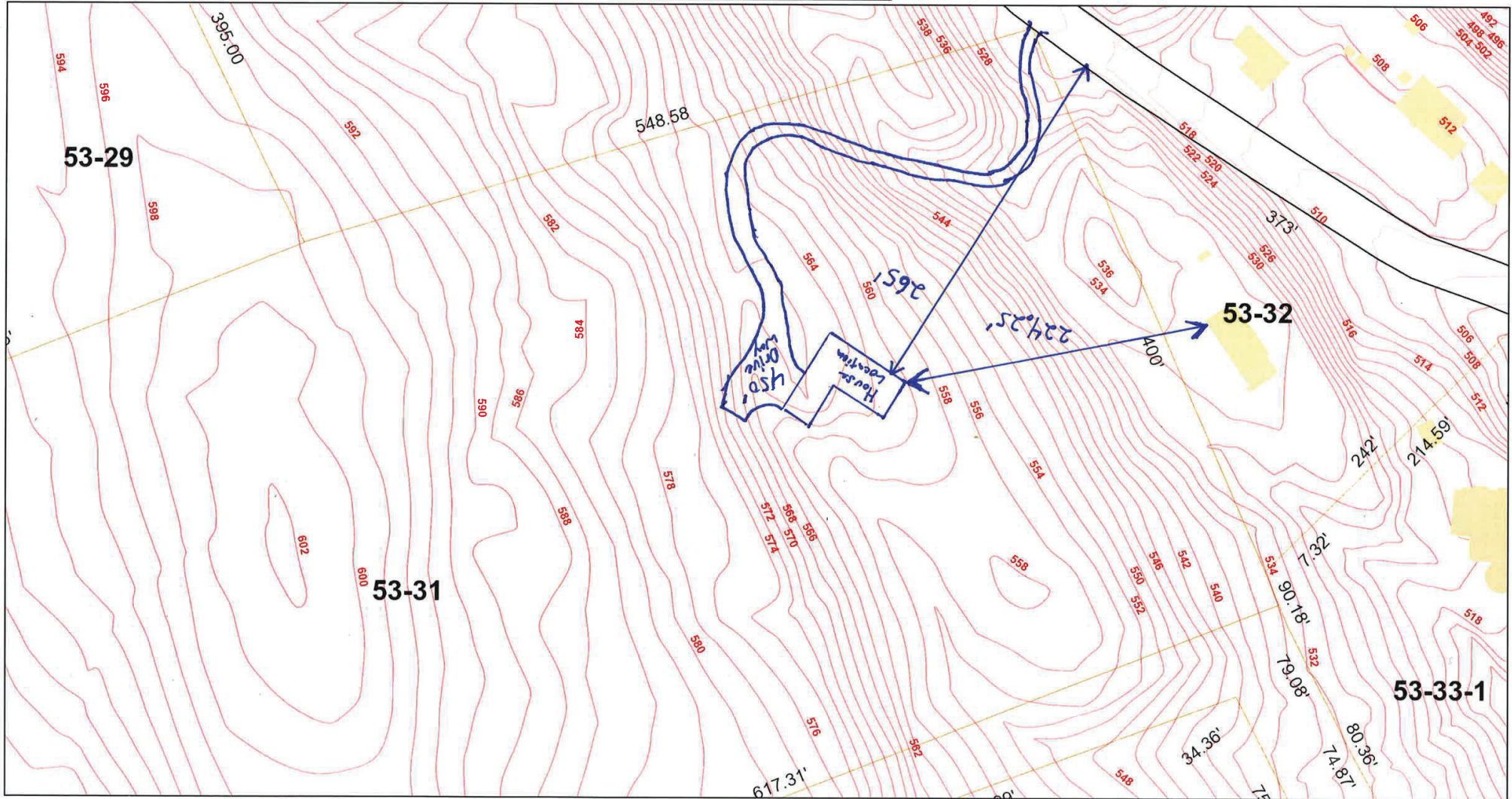


Milford, NH

1 inch = 69 Feet



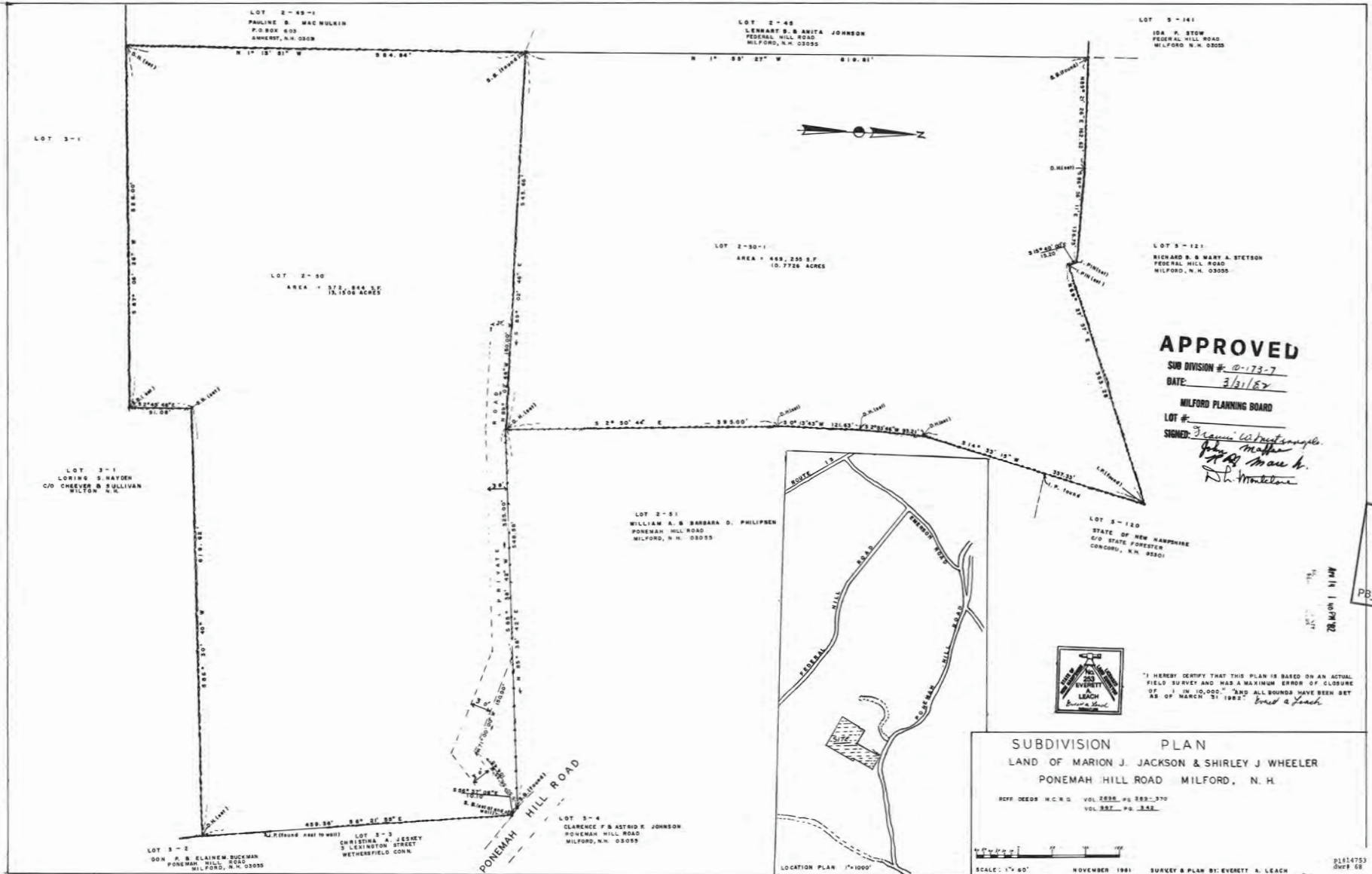
October 1, 2020



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



TOWN OF MILFORD  
RECEIVED  
AUG 20 2020  
PB \_\_\_ ZBA \_\_\_ Office \_\_\_



TOWN OF MILFORD  
RECEIVED  
AUG 20 2020  
PB ZBA Office

# TOWN OF MILFORD

## Zoning Board of Adjustment



**DATE:** November 16, 2020

**TO:** San-Ken  
586 Turnpike Road  
New Ipswich, NH 03071

**RE:** ZBA Case #2020-22  
Tax Map 53, Lot 31

### NOTICE OF DECISION

You are hereby notified that on November 5, 2020, the Zoning Board of Adjustment GRANTED the request for a VARIANCE from the Milford Zoning Ordinance, Article V, Section 5.04.4.A to permit the construction of a single-family residence on a lot of record, Tax Map 53, Lot 31, with less than the minimum required frontage (200') on a principle route of access on a Class V road or better in the Residential 'R' district.

Please note that this does not constitute Planning Board, Building Department, Board of Selectmen or any other state and/or local approvals that may be required for your project.

A handwritten signature in cursive script, appearing to read "Lincoln Daley", is written over a horizontal line.

**Lincoln Daley**

*Community Development Director & Zoning Administrator*

11/16/20  
Date

In accordance with NH RSA 677:2, any person directly affected by this decision may make an application for a rehearing in this matter. ***Any application for rehearing must be received by the Board of Adjustment prior to close of business (4:30 p.m.) on December 7, 2020.***

*In accordance with Article X, Section 10.060, this Variance is subject to expiration, if within two (2) years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by the variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.*

CC: Building Department  
Assessor

Planning Department  
File



STIPULATION AND RELEASE AGREEMENT

This Stipulation and Release made on March \_\_\_\_\_, 2021, by and between the Town of Milford, a municipal corporation with a mailing address of One Union Square, Milford, in the County of Hillsborough and State of New Hampshire, 03055, and San-Ken Homes, Inc, whose principal mailing address is 586 Turnpike Road, New Ipswich, NH 03071.

WHEREAS, San-Ken Homes, Inc owns a certain tract of land situated off of Summer Street, Milford, New Hampshire, which land is shown as Lot 53-31 on the Milford Tax Map; and

WHEREAS, San-Ken Homes, Inc, or their assigns, plans to apply in the future for a building permit; and

WHEREAS, San-Ken Homes, Inc has agreed to sign with the Town of Milford this Stipulation and Release Agreement; and

NOW, THEREFORE, San-Ken Homes, Inc, stipulates and releases the Town of Milford as follows:

1. Neither the Town of Milford nor any department, officer or employee thereof shall assume liability and/or shall be responsible for the maintenance, passability or condition of the private easement that gives access to Lot 53-31.
2. Neither the Town of Milford nor any department, officer or employee thereof shall be liable for any damages to any person or entity including, but not limited to, San-Ken Homes, Inc, together with their successors, assigns, personal representatives, guests or invitees, for personal injuries including death and dismemberment and/or property damage as a result of the maintenance, passability or condition of the private easement.
3. Neither the Town of Milford nor any department, officer or employee thereof shall be liable for any damages to any person or entity including, but not limited to, San-Ken Homes, Inc, together with their successors, assigns, personal representatives, guests or invitees, for personal injuries including death and dismemberment and/or property damages as a result of the inability of the Town of Milford or any other person or entity to access said parcel and/or to travel on the private easement accessing

said parcel in order to provide school transportation, police, fire, emergency, medical and/or ambulance services, all as a result of the maintenance, passability or condition of the private easement.

4. The rights, privileges and responsibilities of San-Ken Homes, Inc hereunder shall be binding on itself, their successors and assigns and shall run with the land and be binding upon any and all parties having an interest in Lot 53-31 in the future in perpetuity.
5. This Agreement shall be recorded at the Hillsborough County Registry of Deeds and indexed under the grantor index under the name of San-Ken Homes, Inc.
6. This Agreement constitutes the entire understanding between the Town of Milford and San-Ken Homes, Inc. This Agreement can only be amended by document executed by the Town and by San-Ken Homes, Inc, and their successors in interest.

Executed the day and year first above-written.

**Town of Milford**

By Its Board of Selectmen

By: \_\_\_\_\_ Gary Daniels, Selectman

By: \_\_\_\_\_ Paul Dargie, Selectmen

By: \_\_\_\_\_ Laura Dudziak, Selectwoman

By: \_\_\_\_\_ Chris Labonte, Selectmen

By: \_\_\_\_\_ David Freel, Selectmen

**SAN-KEN HOMES, INC.**

By: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Gary Daniels, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Paul Dargie, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Laura Dudziak, Selectwoman of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Chris Labonte, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_  
2021, by David Freel, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

4. a) 5) Approval for issuance of Building Permit to Construct Commercial Building Map 44 Lot 11-1, 577 Nashua St.

# TOWN OF MILFORD

**Office of Community Development**  
Planning • Zoning • Building Safety • Code Enforcement • Health  
Economic Development • Active Projects



**Date:** March 18, 2021

**To:** Board of Selectmen

**From:** Lincoln Daley, Community Development Director

**Subject:** Issuance of Building Permit to Construct Commercial Building

MVC Eye Care / Kevin Chauvette – Tax Map 44, Lot 11-1, 577 Nashua Street.

The purpose of this memorandum is to discuss the potential issuance of a building permit pursuant to RSA 674:41 for a lot of record that does not meet the minimum frontage on a Class V roadway or better in the Integrated Commercial-Industrial ('ICI') District. In accordance with the RSA, the Board of Selectmen, after review and comment from the Planning Board, is required to vote to authorize the issuance of a building permit for the erection of the commercial building on the 44, Lot 11-1, 577 Nashua Street. The property will be accessed through an existing recorded access/egress easement along Map 44 Lot 13-1, 571 Nashua Street.

The applicant, MVC Eye Care / Kevin Chauvette, appeared before the Board of Adjustment on August 20, 2020 and received a Variance from the Milford Zoning Ordinance, Article V, Section 5.08.4.A to permit the construction of a commercial building and related site improvements on the subject property, with less than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Integrated Commercial-Industrial ('ICI') District. Subsequently on October 20, 2021, the applicant received Site Plan approval by the Planning Board to construct the 5,600 square foot office building. See attached ZBA August 20, 2020 and October 20, 2020 Planning Board decisions.

In accordance with the rules of RSA 674:41.I.d, the Planning Board held a public meeting on March 16, 2021 to discuss the authorization of the building permit and the private driveway access. The applicant presented their interest in building the commercial development on the 6.85 acre undeveloped parcel and access to the property through a recorded easement. The applicant understood that they (as owner of the property) would be solely responsible for the maintenance of the private road/driveway and be required to sign a written, recorded agreement with the BOS absolving the Town of all responsibility and liability for the private road/driveway and access to the lot. See attached Stipulation and Release Agreement for your review and signature.

At that public meeting, the Planning Board unanimously recommended that the Board of Selectmen authorize the Building Permit and that the applicant be permitted to construct the commercial building on the subject lot.

## **Recommendation:**

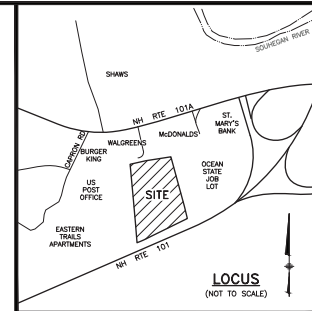
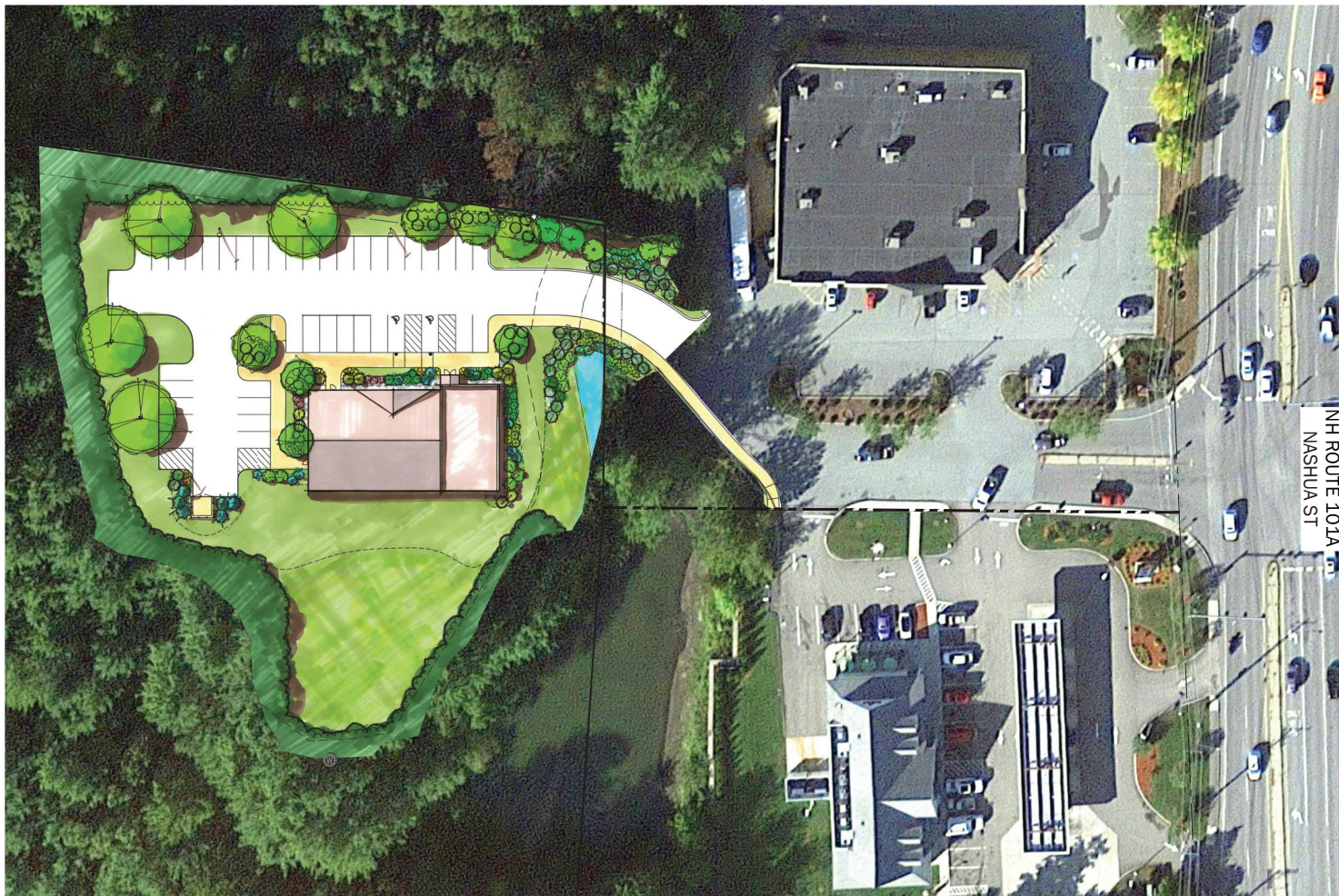
Following the recommendation of the Planning Board, Staff recommends that the Board of Selectmen authorize the issuance a building permit subject to the recordation of the executed Stipulation and Release Agreement by the Board members and the property owner.

**Tax Map Of Subject Property:**





575 NASHUA STREET  
MILFORD, NEW HAMPSHIRE



**The Dubay Group, Inc.**

136 Harvey Rd, Bldg B101  
Londonderry, NH 03053  
603-458-6462

Engineers  
Planners  
Surveyors

TheDubayGroup.com



**SHEET INDEX:**

- 1 Title Sheet
  - 2 Existing Conditions Plan
  - 3 Site Plan
  - 4 Grading, Drainage, & Utility Plan
  - 5-6 Landscape Plan & Details
  - 7 Lighting Plan
  - 8 Erosion Control Plan
  - 9-13 Site Construction Details
- Architectural Plans

REV	DATE	REVISION	BY

DRAWN BY: REK  
CHECKED BY: DGM  
DATE: SEPT. 21, 2020  
SCALE: NONE  
FILE: 444-COVER  
DEED REF:  
H.C.R.D.: BK. 8769 PG. 0003

PROJECT:  
**MVC EYE CARE**  
MAP 44 LOT 11-1  
NASHUA STREET  
MILFORD, NH  
OWNER:  
**ASRT, LLC**  
111 BOW ST  
PORTSMOUTH, NH 03801  
FOR  
**MVC Eye Care**  
2075 SOUTH WILLOW STREET  
MANCHESTER, NH 03103

OWNER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**APPROVED  
MILFORD PLANNING BOARD**

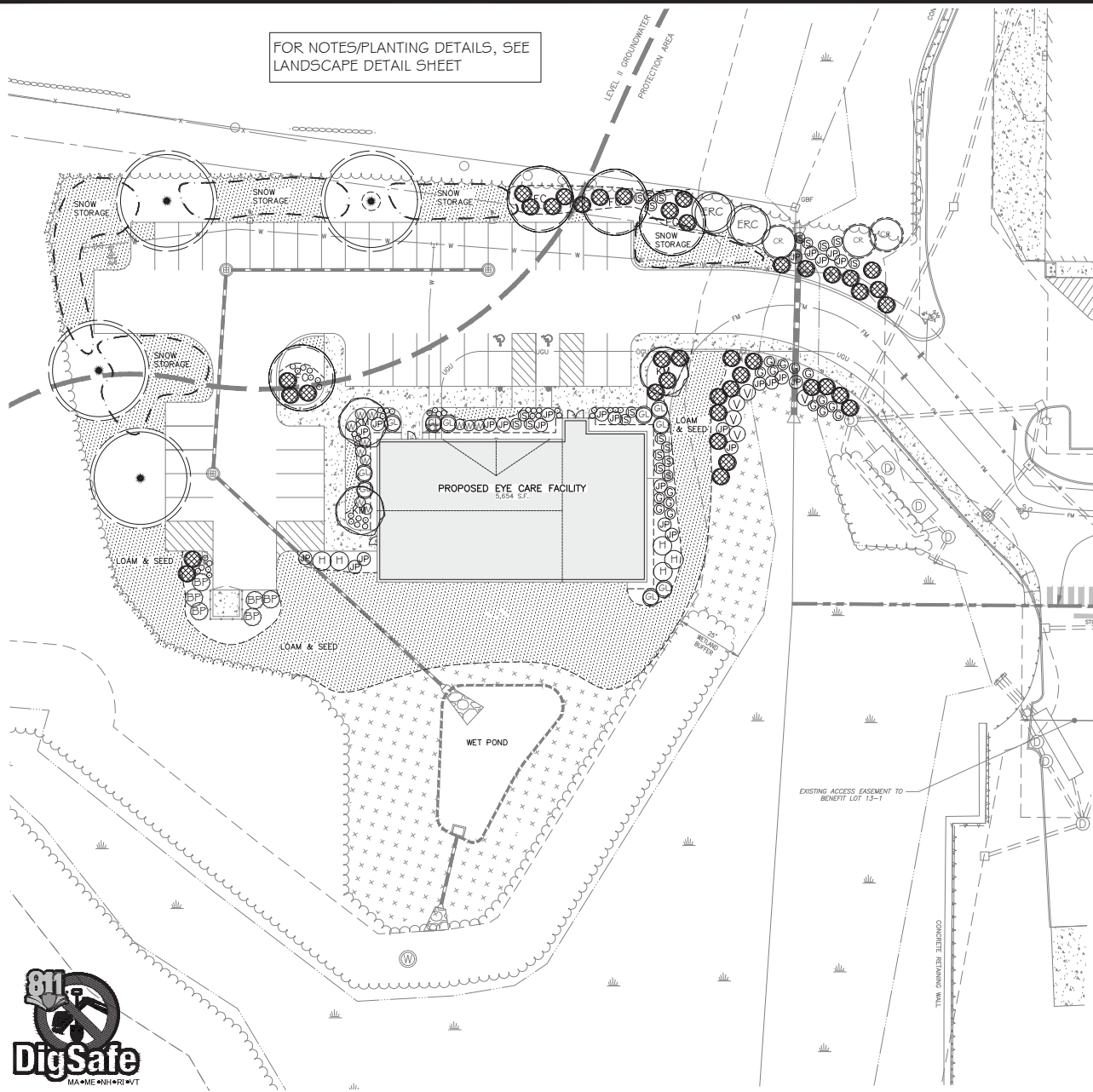
SITE PLAN #: \_\_\_\_\_ DATE APPROVED: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE SIGNED: \_\_\_\_\_

SHEET TITLE:

**TITLE SHEET**

PROJECT #444 SHEET 1 of 13

FOR NOTES/PLANTING DETAILS, SEE  
LANDSCAPE DETAIL SHEET



### PARKING REQUIREMENTS

#### 6.08.5 LANDSCAPING BUFFERS

- C. WITHIN A PROPERTY, BUFFERS ARE REQUIRED TO PROVIDE VISUAL SCREENS IN THE FOLLOWING INSTANCES:
1. OUTDOOR STORAGE AREAS. (NO OUTDOOR STORAGE PROPOSED)
  2. UTILITY INSTALLATIONS.
  3. LOADING AREAS. (NO LOADING AREAS PROPOSED)
  4. REFUSE AND RECYCLING COLLECTION AREAS. (SEE PROPOSED BUFFER)

#### D. WITHIN A PROPERTY:

1. BUFFERS SHALL BE LOCATED TO PREVENT VISIBILITY OF THE ABOVE LISTED ITEMS FROM THE PARKING AREAS, TRAVELED RIGHT-OF-WAY OR NEIGHBORING PROPERTIES.

2. BUFFERS SHALL BE AT LEAST SIX (6) FEET IN HEIGHT AND MAY CONSIST OF FENCING, EVERGREENS, BERM, MOUNDS OR COMBINATIONS THEREOF.

3. ALL OUTDOOR REFUSE AND RECYCLING FACILITIES SHALL BE LOCATED ON A RAISED SIX (6) INCH CONCRETE PAD. (SEE SITE DETAIL)

#### 6.08.6 LANDSCAPING ALONG BUILDING FRONTS

LANDSCAPING SHALL BE PROVIDED ALONG ALL BUILDING FRONTAGE. A MINIMUM OF ONE (1) SHRUB FOR EVERY FIVE (5) FEET OF BUILDING FRONTAGE SHALL BE PROVIDED.  
57' +/- FRONTAGE / 5 = 11.4 OR 11 SHRUBS REQUIRED - 21 PROPOSED

#### 6.08.7 LANDSCAPING PARKING LOTS AND ACCESS WAYS

ALL PARKING LOT LANDSCAPING SHALL PROMOTE THE SAFE FLOW OF VEHICULAR AND PEDESTRIAN TRAFFIC WITHIN AND OUT OF THE SITE. A PERIPHERAL LANDSCAPING SHALL BE REQUIRED ALONG ALL SIDES OF A PARKING LOT OR ACCESS WAY THAT ABUTS ADJOINING PROPERTY OR A PUBLIC RIGHT-OF-WAY AS FOLLOWS:

1. A LANDSCAPED STRIP AT LEAST TEN FEET (10') IN WIDTH SHALL BE LOCATED BETWEEN THE PAVED AREA AND THE ABUTTING PROPERTY LINES OR PUBLIC RIGHT-OF-WAY EXCEPT WHERE DRIVEWAYS OR OTHER OPENINGS MAY BE REQUIRED; AND

2. AT LEAST ONE (1) TREE FOR EACH THIRTY FEET (30') OF LANDSCAPED STRIP SHALL BE PROVIDED. THESE TREES SHALL BE COMPLEMENTED BY SUITABLE GROUND COVER AND SHRUBS.  
250' +/- L<sup>2</sup> / 30 = 8.3 OR 8 TREES REQUIRED - 8 TREES PROPOSED

- B. LANDSCAPING WITHIN PARKING LOTS OR GREEN SPACE ENCOMPASSING NOT LESS THAN FIVE (5%) PERCENT OF THE TOTAL PARKING AREA SHALL BE REQUIRED. > 5% SHOWN

A MINIMUM OF ONE (1) TREE FOR EVERY FIFTEEN (15) PARKING SPACES SHALL BE PROVIDED. THESE TREES SHALL BE COMPLEMENTED BY SUITABLE GROUND COVER AND SHRUBS. THESE TREES SHALL ALSO BE "STREET" TREES; TREES THAT ARE SALT, HEAT DROUGHT, AND URBAN TOLERANT. THESE TREES SHALL ALSO HAVE A MINIMUM BRANCHING HEIGHT OF EIGHT (8) FEET WHEN PLANTED.

40 SPACES SHOWN / 15 = 2.7 OR 3 TREES REQUIRED - 3 TREES PROPOSED

### LANDSCAPE MAINTENANCE

#### LAWN

1. MAINTENANCE SHALL BEGIN IMMEDIATELY AFTER EACH AREA IS PLANTED AND SHALL CONTINUE UNTIL ACCEPTABLE LAWN IS ESTABLISHED, BUT NOT LESS THAN THE FOLLOWING PERIODS:
  - SEEDS LAWNS: 60 DAYS FROM DATE OF SUBSTANTIAL COMPLETION. (WHEN FULL MAINTENANCE PERIOD HAS NOT ELAPSED BEFORE THE END OF PLANTING SEASON, OR IF LAWN IS NOT FULLY ESTABLISHED, CONTINUE MAINTENANCE DURING NEXT PLANTING SEASON.)
  - SOIL LAWNS: 30 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
  - PLUGGED LAWNS: 30 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
  - SPRIGGED LAWNS: 30 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
2. MAINTAIN AND ESTABLISH LAWN BY WATERING, WEEDING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. ROLL, RE-GRADE, AND REPLANT BARE OR ERODED AREAS AND RE-MULCH TO PRODUCE A UNIFORM SMOOTH LAWN.
3. IN AREAS WHERE MULCH HAS BEEN DISTURBED BY WIND OR MAINTENANCE OPERATIONS, ADD NEW MULCH.
4. ANCHOR AS REQUIRED TO PREVENT DISPLACEMENT.
5. IRRIGATION: PROVIDE AND MAINTAIN TEMPORARY PIPING, HOSES, AND LAWN-WATERING EQUIPMENT TO CONVEY WATER FROM SOURCES AND KEEP LAWN UNIFORMLY MOIST TO A DEPTH OF FOUR INCHES (100 mm).
6. SCHEDULE WATERING TO PREVENT WILTING, FLOODING, EROSION, AND DISPLACEMENT OF SEED OR MULCH. LAY OUT TEMPORARY WATERING SYSTEM.
7. TO AVOID WALKING OVER MUDDY OR NEWLY PLANTED AREAS.
8. WATER LAWN AT A MINIMUM RATE OF ONE INCH (25 mm) PER WEEK.
9. MOW LAWN AS SOON AS TOP GROWTH IS TALL ENOUGH TO CUT. REPEAT MOWING TO MAINTAIN SPECIFIC HEIGHT WITHOUT CUTTING MORE THAN 40 PERCENT OF GRASS HEIGHT. REMOVE NO MORE THAN 40 PERCENT OF GRASS LEAF GROWTH IN INITIAL OR SUBSEQUENT MOWING. DO NOT DELAY MOWING UNTIL GRASS BLADES BEND OVER AND BECOME MATTED. DO NOT MOW WHEN GRASS IS WET. SCHEDULE INITIAL AND SUBSEQUENT MOWING TO MAINTAIN GRASS HEIGHT.

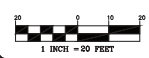
#### TREES AND SHRUBS:

- PRUNING SHOULD BE STARTED EARLY AND KEPT UP AT REGULAR INTERVALS. TREES SHOULD BE PRUNED AND SHAPED TO AVOID SPLITTING LATER IN LIFE. BROKEN TOPS AND BRANCHES SHOULD BE REMOVED AS SOON AS POSSIBLE AFTER INJURY. BROKEN, WEAK OR DISEASED BRANCHES SHOULD BE REMOVED FIRST, DEAD BRANCHES SECOND AND HEALTHY BRANCHES LAST.
- PROTECT TREES AND SHRUBS AGAINST DAMAGE INCURRED WITH LAWN MOWERS AND GARDEN EQUIPMENT. MULCH BEDS SHALL BE INSTALLED AS SHOWN TO KEEP GRASS AWAY FROM TREE TRUNKS.
- THE USE OF ROAD SALT AROUND TREES AND SHRUBS SHOULD BE AVOIDED.
- LANDSCAPED AREAS SHALL BE ROUTINELY MAINTAINED AND KEPT FREE OF DEBRIS AND LITTER. MAINTENANCE SHALL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL WITHIN THE GUARANTEED CONTRACT PERIOD.



**The Dubai Group, Inc.**  
136 Harvey Rd, Bldg B101  
Londonderry, NH 03063  
603-458-6462

Engineers  
Planners  
Surveyors  
TheDubaiGroup.com



REVISIONS			
REV.	DATE	COMMENT	BY:

DRAWN BY: REK  
CHECKED BY: DGM  
DATE: SEPT. 21, 2020  
SCALE: 1"=20'  
FILE: 444-LANDSCAPE  
DEED REF:  
H.C.R.D.: BK. 8769 PG. 0003

PROJECT:  
**MvcEYE CARE**  
MAP 44 LOT 11-1  
NASHUA STREET  
MILFORD, NH  
OWNER:  
**ASRT, LLC**  
111 BOW ST  
PORTSMOUTH, NH 03801  
FOR:  
**MVC Eye Care**  
2075 SOUTH WILLOW STREET  
MANCHESTER, NH 03103

SHEET TITLE:  
**LANDSCAPE PLAN**

PROJECT #444 SHEET 5 of 13

NH-PROJECTS\444-MVC DTA - MISC\DWG\CURRENT\444-LANDSCAPE.DWG





# TOWN OF MILFORD

## Zoning Board of Adjustment



**DATE:** September 1, 2020

**TO:** MVC Eye Care / Kevin Chauvette  
2075 South Willow Street  
Manchester, NH 03103

ASRT, LLC.  
111 Bow Street  
Portsmouth, NH 03801

**RE:** ZBA Case #2020-19  
Tax Map 44, Lot 11-1

### NOTICE OF DECISION

You are hereby notified that on August 20, 2020, the Zoning Board of Adjustment **GRANTED** the request for a **VARIANCE** from the Milford Zoning Ordinance, Article V, Section 5.08.4.A to permit the construction of a commercial building and related site improvements on a lot of record, identified as Milford Tax Map 44, Lot 11-1, with less than the minimum required frontage (150') on a principle route of access on a Class V road or better in the Integrated Commercial-Industrial ('ICI') District.

Please note that this does not constitute Planning Board, Building Department, Board of Selectmen or any other state and/or local approvals that may be required for your project.

  
\_\_\_\_\_  
**Lincoln Daley**  
*Community Development Director & Zoning Administrator*

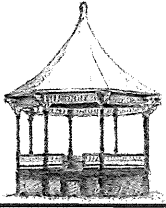
9/1/20  
\_\_\_\_\_  
**Date**

In accordance with NH RSA 677:2, any person directly affected by this decision may make an application for a rehearing in this matter. **Any application for rehearing must be received by the Board of Adjustment prior to close of business (4:30 p.m.) on September 21, 2020.**

*In accordance with Article X, Section 10.060, this Variance is subject to expiration, if within two (2) years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by the variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.*

CC: Building Department  
Assessor

Planning Department  
File



TOWN OF MILFORD, NH  
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

**MILFORD PLANNING BOARD**  
**NOTICE OF DECISION**

**Petition of:** ASRT,LLC, 111 Bow Street, Portsmouth, NH 03801

**Project Name:** SP2020-14 – MVC Eye Care

**Location:** Tax Map 44 Lot 11-1, 0 Nashua Street, Milford, NH 03055

**So as to:** Permit a site plan to construct a 5,654 square foot professional office building along with associated site improvements for MVC Eye Care.

The Milford Planning Board, at its meeting of October 20, 2020, and after a public hearing, completed its consideration of the application for a site plan to construct a 5,654 square foot professional office building along with associated site improvements for MVC Eye Care located on Tax Map 44, Lot 11-1.

The Board based its decision on plans, supporting oral and written information, and records provided by the Applicant, professional staff, and consultants for the Applicant, and abutters, as reflected in the minutes on file at the Milford Town Hall. This information shall be incorporated into the decision by reference.

As a result of such consideration, the Planning Board found that the application was in **Substantial Compliance** with the Milford Zoning Ordinance and Development Review Regulations. The Planning Board voted unanimously in favor to **Grant Conditional Approval of the Major Site Plan** based on the information and stated conditions incorporated hereto.

On October 20, 2020, upon a motion made by P. Amato and seconded by J. Langdell, the Planning Board unanimously voted herein to **Conditionally Approve** the **Major Site Plan** to permit a site plan to construct a 5,654 square foot professional office building along with associated site improvements for MVC Eye Care in accordance with the Milford Zoning Ordinance and Development Review Regulations on real property shown on the Milford Assessor Tax Map 44, Parcel 11-1, 0 Nashua Street. The project lies in the Integrated Commercial Industrial Zoning District on a parcel consisting of 6.85 acres.

The Major Site Plan Application was requested by ASRT, LLC, 111 Bow Street, Portsmouth, NH 03801. This application was filed with the Planning Board on September 21, 2020. The Applicant submitted a complete application which was noticed and reviewed in accordance with RSA 676:4 & 675:7. The Applicant has filed with the Planning Board the minimum plans and information required under the Milford Development Regulations.

During the review process, the Applicant and its professional consultants submitted plans along with various supplemental memoranda and correspondence in response to requests by the Planning Board and the Planning Department that reviewed the project. All of these plans, reports and correspondence, and meeting minutes are contained in the Planning Department's files and are hereby incorporated by reference into the public record for this public hearing.

### **Conditions Precedent**

1. The Applicant shall submit any/all revised plans, reports, and associated information to the Community Development Office for review and approval by the Town and its agents.
2. Once the revisions have been made and conditions met, the Applicant shall submit the following to the Community Development Office:
  - a. One (1) 11" x 17" reduced copy of the site plan.
  - b. Four (4) full sized paper sets of the site plan.
  - c. One (1) full sized, mylar set of the site plan.
  - d. One (1) electronic .pdf file of the site plan.
  - e. One (1) CAD/.dwg file.

**Note:** The submitted plans shall have the owner, engineer and surveyor signatures in black ink. The plans will then be reviewed and signed by the Planning Board Chairman or designee.

3. The applicant shall provide an access and utility easement to Map 44 Lot 12 to leave opportunity for future connection;
4. The applicant shall address all KV Partners comments;
5. The applicant shall note the total percentage/acreage of open space;
6. The applicant shall clarify sheet 13, maintenance note to state the owner is responsible for maintenance of on-site drainage, structures and basin areas;
7. The applicant shall note all Board of Adjustment approvals and state approvals on the plan.

**Conditions Subsequent:**

1. Payment of any and all outstanding fees which may be owed to the Town of Milford and/or its agents in association with review and inspection of the construction and associated elements are to be paid in full prior to start of construction.

**General Conditions:**

1. The Applicant shall comply with all Development Standards and Zoning Ordinance regulations in effect as of the filing of the Application.
2. Unless otherwise stated, all previous approvals and plans associated with this property and project areas shall remain in full force. Further, the provisions of this Conditional Site Plan approval shall apply to and be binding upon the Applicant and all successors and assigns in interest or control.
3. This Conditional Site Plan approval is based upon the following information, which is incorporated into this decision by reference:

Plan titled: "MVC Eye Care"

Prepared by: The Dubay Group, Inc.

Scale: 1" = 20'

Date: September 21, 2020

Sheets: 13 Sheets

Elevation Plans Entitled: "MVC Eye Care Milford"

Prepared for: MVC Eye Care

Prepared by: Silverwatch Architects, LLC

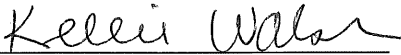
Scale: Varied

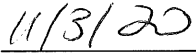
Date: May 27, 2020

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*Conditionally approved site plans that have not been signed by the Planning Board have one year from the date of approval to meet the conditions of approval and have the plans signed. Signed site plans have two years from the date of signing to complete active and substantial development.*

---

  
Planning Board Chair or Designee

  
Date

Ec: Doug MacGuire, PE, The Dubay Group, Inc. ([doug@thedubaygroup.com](mailto:doug@thedubaygroup.com))  
ASRT, LLC, Owner ([john@samonasgroup.com](mailto:john@samonasgroup.com))

MVC Eye Care, Kevin Chauvette, Applicant ([kchauvette@outlook.com](mailto:kchauvette@outlook.com))

Cc: Planning Board File



STIPULATION AND RELEASE AGREEMENT

This Stipulation and Release made on March \_\_\_\_\_, 2021, by and between the Town of Milford, a municipal corporation with a mailing address of One Union Square, Milford, in the County of Hillsborough and State of New Hampshire, 03055, and KMC Capital, LLC, whose principal mailing address is 2075 South Willow Street, Manchester, NH, 03103.

WHEREAS, KMC Capital, LLC owns a certain tract of land situated off of Summer Street, Milford, New Hampshire, which land is shown as Lot 44-11-1 on the Milford Tax Map; and

WHEREAS, KMC Capital, LLC, or their assigns, plans to apply in the future for a building permit; and

WHEREAS, KMC Capital, LLC has agreed to sign with the Town of Milford this Stipulation and Release Agreement; and

NOW, THEREFORE, KMC Capital, LLC, stipulates and releases the Town of Milford as follows:

1. Neither the Town of Milford nor any department, officer or employee thereof shall assume liability and/or shall be responsible for the maintenance, passability or condition of the private easement that gives access to Lot 44-11-1.
2. Neither the Town of Milford nor any department, officer or employee thereof shall be liable for any damages to any person or entity including, but not limited to, KMC Capital, LLC, together with their successors, assigns, personal representatives, guests or invitees, for personal injuries including death and dismemberment and/or property damage as a result of the maintenance, passability or condition of the private easement.
3. Neither the Town of Milford nor any department, officer or employee thereof shall be liable for any damages to any person or entity including, but not limited to, KMC Capital, LLC, together with their successors, assigns, personal representatives, guests or invitees, for personal injuries including death and dismemberment and/or property damages as a result of the inability of the Town of Milford or any other person or entity to access said parcel and/or to travel on the private easement accessing said

parcel in order to provide school transportation, police, fire, emergency, medical and/or ambulance services, all as a result of the maintenance, passability or condition of the private easement.

4. The rights, privileges and responsibilities of KMC Capital, LLC hereunder shall be binding on itself, their successors and assigns and shall run with the land and be binding upon any and all parties having an interest in Lot 44-11-1 in the future in perpetuity.
5. This Agreement shall be recorded at the Hillsborough County Registry of Deeds and indexed under the grantor index under the name of KMC Capital, LLC.
6. This Agreement constitutes the entire understanding between the Town of Milford and KMC Capital, LLC. This Agreement can only be amended by document executed by the Town and by KMC Capital, LLC, and their successors in interest.

Executed the day and year first above-written.

**Town of Milford**

By Its Board of Selectmen

By: \_\_\_\_\_ Gary Daniels, Selectman

By: \_\_\_\_\_ Paul Dargie, Selectmen

By: \_\_\_\_\_ Laura Dudziak, Selectwoman

By: \_\_\_\_\_ Chris Labonte, Selectmen

By: \_\_\_\_\_ David Freel, Selectmen

**KMC CAPITAL, LLC.**

By: \_\_\_\_\_



**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021 by Gary Daniels, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Paul Dargie, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Laura Dudziak, Selectwoman of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_ 2021, by Chris Labonte, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**State of New Hampshire, County of Hillsborough**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of March \_\_\_\_\_  
2021, by David Freel, Selectmen of the Town of Milford.

\_\_\_\_\_  
Notary Public:

Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

## Board of Selectmen Info. At a Glance 2021– 2022

4. b) 1) Request for Input & Approval  
of 2021/2022 Board of Selectmen's  
Meeting Schedule (draft calendar)

All scheduled meetings are subject to change at the discretion of the Board of Selectmen.

January	11	&	25		2021
February	8	&	22		2021
March	8	&	22	& 29	2021
April	12	&	26		2021
May	10	&	24		2021
June	14	&	28		2021
July	12	&	26		2021
August	9	&	23	& 30*	2021
September	13	&	27		2021
October	11	&	25		2021
November	8				2021
November	13	(Saturday Dept. & BAC Budget Meeting 9:00 am)			
November	22	&	29*		2021
December	13	&	27		2021
January	10	&	24	& 31*	2022
February	14	&	28		2022
March	14	&	28		2022

\* 5<sup>th</sup> Monday Public Forum (7:00 pm)

4. b) 2) Request for Update to the Board of Selectmen's Representative Listing 2021/2022 Boards, Commissions, etc. (draft listing)

## **BOS Representatives on 2021 - 2022 Committees, Commissions, Boards, & Organizations**

- 
- Conservation Commission (2<sup>nd</sup> Thursday, 7:00 p.m., Town Hall, BOS Room) - Selectman Dudziak (**Liaison**)
  - Economic Development Advisory Committee (Varied) – Selectman Dargie (**Voting member**)
  - Granite Town Media (Formerly PEG Access) Advisory Committee (3<sup>rd</sup> Thursday, 6:00 p.m., Town Hall, BOS Room) - Selectman Labonte (**Liaison**)
  - Heritage Commission (2<sup>nd</sup> Wednesday, 7:00 p.m., Library) – Selectman \_\_\_\_\_ (**Voting member**)
  - Joint Loss Management Committee (quarterly, 2<sup>nd</sup> Tuesday (Jan., April, July, and Oct.), 9:00 a.m., Police Facility, Community Room) - Selectman Labonte (**Liaison**)
  - Library Trustees (3<sup>rd</sup> Tuesday, 6:30 p.m., Library) – Selectman Dudziak (**Liaison**)
  - NHMA (Varied) – Town Administrator John Shannon & Selectman Dargie (Alternate)
  - MACC Base Meeting time and dates TBD at each meeting – Captain Frye (**Voting member**)
  - Planning Board (1<sup>st</sup> & 4<sup>th</sup> Tuesdays, 6:30 p.m., Town Hall, BOS Room) - Selectman Dudziak & Selectman Freel (Alternate) (**Voting member**)
  - Recreation Commission (2<sup>nd</sup> Wednesday, 7:00 p.m., Town Hall, BOS Room) – Selectman Dargie (**Liaison**)
  - Recycling/Solid Waste Committee (3<sup>rd</sup> Tuesday, 6:30 p.m. – Selectman Daniels (**Voting member**)
  - Traffic Safety Committee (Varied as items are sent for consideration, Police Facility, Community Room, 19 Garden Street) - Selectman Daniels (**Voting member**)
  - Zoning Board of Appeals (1<sup>st</sup> & 3<sup>rd</sup> Thursdays, 7:00 p.m., Town Hall, BOS Room) – Selectman Dargie (**Liaison**)
  - Manifest Sign Off (available Thursdays after 4:30 pm through Mondays before 7:00 am) – Selectmen Labonte & Selectmen Dargie (Alternate)
  - Payroll Sign Off (available every other week Wednesdays after 3:00 pm through Thursdays before 9:00 am) – Selectmen Freel & Selectman Dudziak (Alternate)

**Liaison vs voting member**

## **6. DISCUSSIONS**

**1. Dispatch Discussion – Verbal**

**2. Board Quorums - Verbal**

DRAFT

MINUTES OF THE MILFORD BOARD OF SELECTMEN MEETING

March 8, 2021

This meeting was conducted pursuant to the State of New Hampshire Emergency Order #12 pursuant to Executive Order 2020-04, temporary modification of public access to meetings under RSA 91-A. As such, the meeting was conducted online using these connection instructions that were listed on the posted meeting agenda: "The Public is encouraged to participate remotely, call in on your phone @ 1-646-558-8656 and enter the meeting ID# 852 4175 4946 and the password is 176941 or join the Zoom Meeting @ https://zoom.us/j/85241754946. Please try to log in 5 minutes before the meeting's scheduled start time in case you run into any technical difficulties".

PRESENT: Gary Daniels, Chairman John Shannon, Town Administrator (Zoom)
Paul Dargie, Vice Chairman (Zoom) Tina Philbrick, Executive Assistant (Zoom)
Laura Dudziak, Member (Zoom)
Chris Labonte, Member
David Freel, Member

1. CALL TO ORDER, BOARD OF SELECTMEN INTRODUCTIONS & PUBLIC SPEAKING INSTRUCTIONS:

Chairman Daniels declared that an emergency exists and he was invoking the provisions of RSA 91-A: 2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to the community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, he also finds that this meeting is imperative to the continued operation of Town government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted with some members participating via Zoom and some members attending in person. Information for accessing this meeting can be found on the Town website in the red banner.

Chairman Daniels welcomed members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Public comments will be limited to five minutes per person. Any person found to be disrupting this meeting will be asked to cease the disruption. If the disruptive behavior continues thereafter, that person will be removed from the meeting.

All votes that are taken during this meeting must be done by Roll Call vote. Members who called in from home were asked to state their name and state whether there was anyone in the room with them during this meeting, which is required under the Right-to-Know law.

Roll call attendance: Selectman Dargie, yes, (zoom) no one is present. Selectman Dudziak, yes (zoom) no one is present. Selectman Labonte yes, present in the BOS room, Selectman Freel, present in the BOS room, and Chairman Daniels yes, present in the BOS room.

2. APPOINTMENTS: (Approximate times)

- 5:30 p.m. - Public Hearing for the Acceptance for Expenditure of Unanticipated Funds over \$10K NH (RSA (31:95)b)) -
• COVID 19 Vaccination Aid Grant for the Ambulance and Fire Department - amount TBD
• Donation of PPE Supplies from Ocean State Job Lots to the Police and Fire Departments - \$10,449.08

Chairman Daniels opened the public hearing. There were no comments. Chairman Daniels closed the public hearing.

Selectman Dargie made a motion to accept the COVID 19 Vaccination Aid Grant and Donation from Ocean State Job Lots. Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.

5:35 p.m. - Flags - Jay Duffy (verbal)

Jay Duffy told the Board that he put flags on all veteran's graves in all five cemeteries in the Town of Milford. He will need to replace 293 this year. He thanked several departments, the VWF, and others for their help in placing the flags.

Chairman Daniels thanked Jay and his volunteers. The flags are currently being stored at Jay's house. Chairman Daniels said we will find a place at the town hall for them.

5:40 p.m. - Request to Appoint Sarah Brown to the Heritage Commission as a Full Member - Term Expires 2024

Sarah gave some background about herself and she feels that Milford Heritage Commission would benefit from some guidelines and criteria to review plans. She would also support more registered historic places around town. She is committed to being involved and learning more about the work of the Commission. She can attend meetings once a month.

**DRAFT MINUTES OF BOARD OF SELECTMEN MEETING – 3/08/2021**

64 **Selectman Labonte made a motion to appoint Sarah Brown to the Heritage Commission as a full member. Second-**  
65 **ed by Selectman Freel. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman La-**  
66 **bonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.**  
67

68 **5:45 p.m. - Request to Appoint Sara Weyant-Bunn to the Heritage Commission as an Alternate Member - Term**  
69 **Expires 2024**

70 Sara gave some background about herself and said she is used to being enveloped in history and is a member of the Milford  
71 Historical Society since 2018. Her hobbies include hiking, photography, and genealogy research. She finds the Oval area to  
72 be Milford's most important feature because that is the "heart" of town and there is a lot of history there. She also feels that  
73 Milford has plenty of green space (agricultural land, trails, and parks) but is also "town" enough that "we don't have to drive  
74 10 miles to get a gallon of milk".  
75

76 **Selectman Freel made a motion to appoint Sara Weyant-Bunn to the Heritage Commission as an alternate member.**  
77 **Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Se-**  
78 **lectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.**  
79

80 **5:50 p.m. - Request to Appoint Katherine Kokko to the Heritage Commission as an Alternate Member - Term Ex-**  
81 **pires 2024**

82 Katherine gave some background about herself, she has been a resident of Milford most of her life. Her family, however,  
83 has been here for over four generations. Katherine's "indoor" free time includes organizing voluminous amounts of history  
84 that her grandparents on both sides preserved. Katherine's preservation efforts began as a child in 1990, when she made  
85 posters and flyers to save Milford's historic town hall.  
86

87 **Selectman Freel made a motion to appoint Katherine Kokko to the Heritage Commission as an alternate member.**  
88 **Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Se-**  
89 **lectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.**  
90

91 **5:55 p.m. - Amigos Outdoor Seating - Mike Heeney, Owner (tabled from February 22, 2021)**

92 In Summary: Before COVID, Amigo's outdoor seating permit was for eight seats. In meeting with the Fire Department un-  
93 der the Governor's Emergency order he was granted a permit for 20. Mr. Heeney wants to purchase new outdoor tables and  
94 chairs this spring to accommodate the 20 seats on my current permit. They checked with Chief Flaherty and were told that  
95 once the emergency order is lifted, they will have to go back to eight seats. He is requesting that the Board of Selectman  
96 have his outdoor seating permanently increased to 20. He submitted his permit to Community Development today.  
97

98 Selectman Freel asked if there would be enough room for people to move around and walk on the sidewalk. Mike said yes.  
99

100 Chairman Daniels asked if the agreement allows Mr. Heeney to go back to the 20 after the state of emergency is lifted.  
101 Lincoln said commercial use requires Planning Board approval. COVID gave additional flexibility for this type of thing.  
102 This is a temporary process. It would require an amended process through the Planning Board because it involves the use  
103 of public property for outside seating. This process will expire in November 2021. Lincoln will work with Mr. Heeney and  
104 the Planning Board to make this a permanent fixture for his restaurant. The temporary expansion didn't need to go before  
105 the Planning Board because it fell under the Governor's executive orders.  
106

107 Chairman Daniels asked if Mr. Heeney be able to continue doing this if the state of emergency was lifted in May or June.  
108 Lincoln said no, he would have to come before the Planning Board which is what we do for any type of changes around the  
109 downtown.  
110

111 Selectman Labonte asked if the Governor would give a notice of a change coming up. Lincoln said yes, but Mr. Heeney  
112 can start the process now. Mr. Heeney wants to pursue this now because he would like to buy new tables and chairs for  
113 outside seating but he doesn't want to do it if it's only for the summer. Chairman Daniels asked how long the Planning  
114 Board process would take. Lincoln said it would take about a month.  
115

116 Selectman Freel asked if Lincoln thought the Planning Board would not support this. Lincoln said he feels that the Plan-  
117 ning Board would support the businesses in the area. Selectman Freel thought that if everyone is granted a maximum  
118 amount, it could get congested around the OVAL. Lincoln said there isn't a lot of space that restaurants can use.  
119

120 Selectman Freel thought Planning and Zoning dealt more with construction versus temporary seating. Lincoln said it isn't  
121 just physical construction, it's also intensifying the actual use, and there is more to that process to include pedestrian safety  
122 and other conditions. The additional seats wouldn't be a major impact but it would have an impact on the downtown area.  
123

124 Selectman Freel said they may give 16 seats and not 20. Mr. Heeney said he would be fine with that. Chairman Daniels  
125 asked how it's determined if it's too crowded or not if other businesses around that area want to do the same thing. Lincoln  
126 said it's first come first serve. Chairman Daniels asked Lincoln to provide the ordinance that is controlling this issue. Lin-  
127 coln said yes, but the Board will only get involved if it required the use of town-owned property, not private property.  
128 Lincoln fully supports outdoor seating.  
129

130 **3. PUBLIC COMMENTS (regarding items that are not on the agenda)**

131 Ammy Rice, Milford resident, complained that she didn't get a voter's guide; she thought they were getting mailed. Tina  
132 Philbrick, Executive Assistant said that the voter's guide did go out in the mail. It was advertised extensively that there are  
133 copies at the Town Hall in the glass vestibule that is always unlocked, at the library, and on the Town's website.  
134

135 Tina provided a little history on the guides: The voter's guides have always been sent out to either a private printer or the  
136 telegraph to be printed and distributed throughout the town. The private printer charged a fee but sold ads to pay for the  
137 guides to be sent out in Milford. The telegraph didn't charge a fee but sold ads to pay for the guides to be sent out. Last  
138 year, the telegraph decided to not do the guides the week before they were going to print. With help, she found a small  
139 printing company that could process the guides at the last minute and she, and several volunteers spent about 20 hours  
140 printing out and putting together around 2,000 guides. With the help of the Budget Advisory Committee and other volun-  
141 teers, we were able to hand out the guides all over town. Voters' guides have never been sent to every mailbox in town.  
142

143 This year, we chose to have the guides printed through an outfit in Concord and we ordered 6,000 guides. The company  
144 did a fantastic job, but this still left us needing to send them out to the citizens of Milford. I am very happy to say that the  
145 school helped to pay for the cost of the guides. Unfortunately, there was a huge disconnect on the cost of sending the  
146 guides out through the post office. Again, through our many volunteers, we had a plan to try to get out as many as possi-  
147 ble. Additional information was provided to have the guides mailed so I followed through with it and although the infor-  
148 mation was deemed incorrect correct, our post office graciously sent the guides out, although they took a large hit on the  
149 cost. Not everyone received one in the mail because we had already handed out close to 800 guides.  
150

151 Ammy asked how the 2,000 people who get the guides are chosen; she doesn't feel that that is appropriate. Tina said 2,000  
152 have always been printed, let's get past that number because we are not doing that anymore. She said she is sorry that  
153 Ammy didn't get a guide and she would be happy to bring it on to Ammy's house after the meeting. Ammy then revealed  
154 that she already had a couple of voter guides all along given to her by Chris Labonte.  
155

156 Tina said her job is to put all the warrant information together and provide that information to the taxpayers for review.  
157 Information is also available on the town's website and posted on social media pages. Over the next year, the Town Clerk  
158 and I will be reviewing several processes to get the voters guides out in a timely, more efficient, and less costly manner to  
159 as many people that we can get them to. We will welcome any suggestions that others may have to offer to make this a  
160 smooth process. She appreciates Ammy's concerns and would welcome any help to complete the process next year.  
161 Tina thanked the school for helping with the cost of the voter's guides and the Milford post office for going over and above  
162 to getting warrant article information out to the citizens of Milford.  
163

164 Paul Bagley, Milford resident, has concerns about a notice from AT&T about a tower to be located at 19 Garden Street  
165 with a height of 143 feet. He thought that this was a dead issue. Lincoln said he reached out to AT&T and he is waiting  
166 for a response. The person he spoke with didn't understand what this was for and they were going to get additional infor-  
167 mation for him. The town of Milford didn't put this in.  
168

169 Mr. Bagley said this is being resurrected on the eve of voting. Chairman Daniels said there is no connection between the  
170 two and the Board hasn't discussed this. The last he heard was that they were still in negotiations with First Net. Select-  
171 man Labonte said he thought it was a dead issue but when he spoke to Lincoln about this on Friday, he thought it was still  
172 on-going. Lincoln said they reached out to inquire about the feasibility; there are no active applications before the town  
173 for the project.  
174

175 Selectman Labonte asked for clarification, if warrant article 3 passes, this antenna will have nothing to do with it. If this  
176 were to pass, we would have two towers. Chairman Daniels said no, this tower is not part of what is being presented be-



177 fore the voters for article 3. We shouldn't be confusing people about something that was put in the paper by someone oth-  
178 er than the Town of Milford. Warrant article 3 is talking about a 100-foot antenna. Selectman Freel agreed this has noth-  
179 ing to do with warrant article 3.

180  
181 **4. DECISIONS – Selectman Freel made a motion to approve the consent calendar. Seconded by Selectman La-**  
182 **bonte. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Se-**  
183 **lectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.**

- 184  
185 **a) CONSENT CALENDAR.**  
186 **1. Approval to change Andrew Seale, Conservation Members term expiring in 2024 to 2022.**  
187 **2. Approval to re-appoint Tracy Quirk-Berube and Chris Costantino as Alternate Members to the Wadleigh Board**  
188 **of Trustees – Terms expiring 2022**  
189 **3. Approval to re-appoint Tom Schmidt and Wade Scott Campbell as Full Members of the Granite Town Media**  
190 **Advisory Committee – Terms expiring 2024.**

191  
192 **b) OTHER DECISIONS – N/A**

193  
194 **5. TOWN STATUS REPORT -**

195 **1. Town hall re-opening – John Shannon, Town Administrator, said the Town Hall is examining different options for its re-**  
196 **opening to the public using a phased approach. No final decisions have been made at this time but the information will be**  
197 **posted and shared with the public as soon as it is available. Most of the business at the Town Hall is with the Town Clerk**  
198 **and it causes congestion in the lobby. All options for obtaining services (i.e. drop boxes, online, appointments, by phone)**  
199 **are available at all times. When we do re-open, we will do it as a phase re-opening like we did last time. He is thinking**  
200 **April may be possible.**

201  
202 Selectman Freel asked if the building department could be sectioned off because people are going to need permits because  
203 of the nice weather.

204  
205 Administrator Shannon said Community Development is open for appointments currently. Lincoln said his concern is that  
206 in opening up one section of the town hall, it is assumed that the entire town hall is opened. There ends up being major dis-  
207 ruptions. We should open up the whole town hall or keep it like it is. Selectman Freel said of all the towns he works in, we  
208 are the only ones not open. He would encourage us to open.

209  
210 Marti Noel, Assessing Director, said our hallways and common areas get congested quickly and it's counter-productive for  
211 social distancing and it's very disruptive to other departments to have to field questions as to why some departments are not  
212 open. We need a smooth transition.

213  
214 Selectman Labonte said a resident asked him if the changes at the recycling center are permanent or just for COVID. Ad-  
215 ministrator Shannon said he will speak to the Public Works Director and Tammy at the transfer station and get back to him.

216  
217 **6. DISCUSSIONS:**

218 **a. N/A**

219  
220 **7. PUBLIC COMMENTS: - There were no public comments at this time.**

221  
222 **8. SELECTMEN'S REPORTS/DISCUSSIONS.**

223 **a. FROM PROJECTS, SPECIAL BOARDS, COMMISSIONS & COMMITTEES.**

224  
225 **b. OTHER ITEMS (that are not on the agenda).**

226  
227 **9. APPROVAL OF FINAL MINUTES - Selectman Dargie moved to approve the minutes of February 22, 2021, as**  
228 **presented. Seconded by Selectman Dudziak. A roll call vote was taken with Selectman Dargie yes, Selectman**  
229 **Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion**  
230 **passed 5/0.**

231  
232 **10. INFORMATION ITEMS REQUIRING NO DECISIONS.**

233 **11. NOTICES. Notices were read.**

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12. NON-PUBLIC SESSION a motion made by Selectman Freel to enter into a non-public session at 6:35 in accordance with RSA 91-A:3, II (c) – Reputation and approval of non-public minutes (RSA 91-A:3, II(b)) – Personnel – February 22, 2021. Seconded by Selectmen Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. The motion passed 5/0.

In non-public, the Board addressed two things under reputation and made two decisions.

13. ADJOURNMENT: Selectman Dudziak moved to adjourn at 7:00 pm. Seconded by Selectman Labonte. A roll call vote was taken with Selectman Dargie yes, Selectman Dudziak yes, Selectman Labonte yes, Selectman Freel yes, and Chairman Daniels yes. All were in favor. The motion passed 5/0.

\_\_\_\_\_  
Gary Daniels, Chairman

\_\_\_\_\_  
Chris Labonte, Member

\_\_\_\_\_  
Paul Dargie, Vice Chairman

\_\_\_\_\_  
David Freel, Member

\_\_\_\_\_  
Laura Dudziak, Member

10. Treasurer's report July 2020 (revised)

TREASURER'S REPORT  
TOWN OF MILFORD, NEW HAMPSHIRE  
7/31/2020  
(unaudited-revised)

	CHECKING ACCOUNT	TOWN CLERK ACCOUNT	ESCROW ACCOUNT	NHPDIP ACCOUNT	DISBURSEMENT ACCOUNT	BAR HARBOR ACCOUNTS	INVESTMENT ACCOUNT	TOTAL
Beginning Balance as 7/01/20	718,444.16	6,777.91	135,121.98	14,259,752.96	(17,516.15)	10,674.13	3,236,672.59	\$ 18,349,927.58
<b>Receipts:</b>								
Taxes and Interest	2,414,170.26	-	-	-	283,578.75	-	-	\$ 2,697,749.01
Water & Sewer User Fees	126,211.50	-	-	-	28,993.84	-	-	\$ 155,205.34
Other Revenues	506,006.77	387,711.33	-	-	-	-	-	\$ 893,718.10
Ambulance	-	-	-	-	48,034.80	-	-	\$ 48,034.80
Recreation	-	-	-	-	7,278.00	-	-	\$ 7,278.00
Escrow Deposit	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	-	-	-	-	-	\$ -
Interest Income	-	-	28.60	4,100.71	-	0.48	139.83	\$ 4,269.62
Investment Transfers	6,672,000.00	-	-	1,474,000.00	-	-	3,206,000.00	\$ 11,352,000.00
TAN Deposit	-	-	-	-	-	-	-	\$ -
Bond Proceeds	-	-	-	-	-	-	-	\$ -
<b>Total Receipts:</b>	<u>\$ 9,718,388.53</u>	<u>\$ 387,711.33</u>	<u>\$ 28.60</u>	<u>\$ 1,478,100.71</u>	<u>\$ 367,885.39</u>	<u>\$ 0.48</u>	<u>\$ 3,206,139.83</u>	<u>\$ 15,158,254.87</u>
<b>Disbursements:</b>								
Accounts Payable Warrants	(2,278,021.50)	(87,129.92)	-	-	(6,938.99)	-	-	\$ (2,372,090.41)
Payroll Warrants	(463,545.68)	-	-	-	-	-	-	\$ (463,545.68)
Milford School District Appropriation	(3,495,972.00)	-	-	-	-	-	-	\$ (3,495,972.00)
Hillsborough County Appropriation	-	-	-	-	-	-	-	\$ -
Escrow Transfers	-	-	-	-	-	-	-	\$ -
Investment Transfers	(4,088,000.00)	(269,000.00)	-	(695,000.00)	(332,000.00)	-	(5,968,000.00)	\$(11,352,000.00)
TAN Disbursement	-	-	-	-	-	-	-	\$ -
Suntrust Disbursement	-	-	-	-	-	-	-	\$ -
Bank Charges	(2,111.16)	-	-	-	-	-	-	\$ (2,111.16)
Voided Checks	5,042.00	-	-	-	-	-	-	\$ 5,042.00
<b>Total Disbursements:</b>	<u>\$ (10,322,608.34)</u>	<u>\$ (356,129.92)</u>	<u>\$ -</u>	<u>\$ (695,000.00)</u>	<u>\$ (338,938.99)</u>	<u>\$ -</u>	<u>\$ (5,968,000.00)</u>	<u>\$(17,680,677.25)</u>
<b>Ending Balance as of 7/31/20</b>	<u>\$ 114,224.35</u>	<u>\$ 38,359.32</u>	<u>\$ 135,150.58</u>	<u>\$ 15,042,853.67</u>	<u>\$ 11,430.25</u>	<u>\$ 10,674.61</u>	<u>\$ 474,812.42</u>	<u>\$ 15,827,505.20</u>

*Allen White*  
ALLEN WHITE  
TOWN TREASURER  
3/15/2021

10. Treasurer's report December 2020

**TREASURER'S REPORT  
TOWN OF MILFORD, NEW HAMPSHIRE  
FOR THE YEAR ENDED 12/31/2020  
(unaudited)**

	CHECKING ACCOUNT	TOWN CLERK ACCOUNT	ESCROW ACCOUNTS	NHPDIP ACCOUNT	DISBURSEMENT ACCOUNT	BAR HARBOR ACCOUNTS	INVESTMENT ACCOUNT	TOTAL
Beginning Balance as of 1/1/2020	148,254.49	46,601.35	109,879.09	18,007,138.87	5,485.07	\$ 10,670.73	\$ 1,358,024.65	\$ 19,686,054.25
<b>RECEIPTS:</b>								
Taxes and Interest	40,039,623.69				1,565,044.06			\$ 41,604,667.75
Water & Sewer User Fees	2,871,345.84				405,024.05			3,276,369.89
Other Revenues	5,902,331.34	4,278,013.42			1,735.46			10,182,080.22
Ambulance	-				763,561.75			763,561.75
Recreation	-				23,913.20			23,913.20
Escrow Deposit	-		127,831.56		-			127,831.56
Escrow Transfers	26,525.46		-		-			26,525.46
Interest Income	-		389.80	78,820.20	-	6.05	2,870.22	82,086.27
Investment Transfers	54,474,000.00	6,000.00		13,449,000.00	-		40,526,000.00	108,455,000.00
TAN Deposit	-				-			-
Bond Proceeds	-				-			-
<b>Total Receipts:</b>	<b>\$ 103,313,826.33</b>	<b>\$ 4,284,013.42</b>	<b>\$ 128,221.36</b>	<b>\$ 13,527,820.20</b>	<b>\$ 2,759,278.52</b>	<b>\$ 6.05</b>	<b>\$ 40,528,870.22</b>	<b>\$ 164,542,036.10</b>
<b>DISBURSEMENTS:</b>								
Accounts Payable Warrants	(16,867,478.42)	(1,025,079.15)	-	-	(74,686.45)			(17,967,244.02)
Payroll Warrants	(5,918,767.32)	-	-	-	-			(5,918,767.32)
Milford School District Appropriation	(30,724,352.00)	-	-	-	-			(30,724,352.00)
Hillsborough County Appropriation	(1,807,051.00)	-	-	-	-			(1,807,051.00)
Escrow Transfers	(127,831.56)	-	(26,525.46)	-	-			(154,357.02)
Investment Transfers	(48,023,000.00)	(3,268,000.00)	-	(31,531,000.00)	(2,675,000.00)		(22,958,000.00)	(108,455,000.00)
TAN Disbursement	-	-	-	-	-			-
Suntrust Disbursement	-	-	-	-	-			-
Bank Charges	(18,909.47)	-	-	-	-			(18,909.47)
Voided Checks	111,767.53	-	-	-	-			111,767.53
<b>Total Disbursements:</b>	<b>\$ (103,375,622.24)</b>	<b>\$ (4,293,079.15)</b>	<b>\$ (26,525.46)</b>	<b>\$ (31,531,000.00)</b>	<b>\$ (2,749,686.45)</b>	<b>\$ -</b>	<b>\$ (22,958,000.00)</b>	<b>\$ (164,933,913.30)</b>
Ending Balance as of 12/31/2020	\$ 86,458.58	\$ 37,535.62	\$ 211,574.99	\$ 3,959.07	\$ 15,077.14	\$ 10,676.78	\$ 18,928,894.87	\$ 19,294,177.05

\* General Fund, Capital Project Funds, Special Revenue Funds, Recreation Revolving Fund, Public Safety Revolving Fund, Community Media Revolving Fund, Water and Wastewater Funds are pooled into one checking account.

*Allen White* March 18, 2021  
 ALLEN WHITE  
 TOWN TREASURER